FEDERAL REGISTER

VOLUME 24 NUMBER 57

Washington, Tuesday, March 24, 1959

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 25—FEDERAL EMPLOYEES PAY REGULATIONS

Bases for Determining Positions for Which Additional Compensation at the 15 Percent Rate Under § 26.261 Is Authorized

Effective upon publication in the FEDERAL REGISTER, the headnote of § 25.263 is redesignated to read as follows: "§ 25.263 *Bases for determining positions for which additional compensation at the 15 percent rate under § 26.261 is authorized.*"

(Sec. 605, 59 Stat. 304; 5 U.S.C. 945)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-2437; Filed, Mar. 23, 1959; 8:45 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

SUBCHAPTER B—FEDERAL FARM LOAN SYSTEM

PART 10—FEDERAL LAND BANKS GENERALLY

Interest Rates on Loans Made Through Associations

The interest rate on new loans made by the Federal Land Bank of St. Louis on applications accepted by a national farm loan association on and after March 16, 1959, has been increased from 5 to 5½ percent per annum; the same increase will also apply on all applications accepted by an association prior to that date if not closed by the association on or before May 15, 1959. In order to reflect that change, § 10.41 of Title 6 of the Code of Federal Regulations, as amended (23 F.R. 2137, 3029, 6976, 8651; 24 F.R. 845), is amended by substituting "5½" for "5" in the line with "St. Louis" therein.

(Sec. 6, 47 Stat. 14, as amended; 12 U.S.C. 665. Interprets or applies secs. 12 "Second", 17(b), 39 Stat. 370, 375, as amended; 12 U.S.C. 771 "Second", 831(b))

[SEAL] HAROLD T. MASON,
Acting Governor,
Farm Credit Administration.

[F.R. Doc. 59-2456; Filed, Mar. 23, 1959; 8:49 a.m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[1958 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 4, Flaxseed]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1958-Crop Flaxseed Loan and Purchase Agreement Program

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 23 F.R. 3647, 6771, 8085, and 8441, and containing the specific requirements for the 1958-Crop Flaxseed Price Support Program are amended as follows:

Section 421.3486(h) is amended by adding the following counties and rates of payment:

County	*Amount per bushel (cents)*
MONTANA	
Garfield	1
McCone	1
Musselshell	1
Sheridan	1
Valley	1
Wibaux	1
NORTH DAKOTA	
Grand Forks	1
Mercer	2

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FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

A Cumulative Codification Guide covering the current month appears at the end of each issue beginning with the second issue of the month.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1054; 15 U.S.C. 714c, 7 U.S.C. 1447, 1421)

Issued this 18th day of March 1959.

[SEAL] CLARENCE D. PALMBY,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 59-2465; Filed, Mar. 23, 1959; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER K—FEDERAL SEED ACT

PART 201—FEDERAL SEED ACT REGULATIONS

Amendment of Joint Regulations of Secretary of the Treasury and Secretary of Agriculture

On November 14, 1958, there was published in the FEDERAL REGISTER (23 F.R. 8867) a notice of rule making and of a hearing with respect to proposed amendments of the joint rules and regulations under the Federal Seed Act. After consideration of all relevant matters presented at the hearing or in writing pursuant to the notice, and under authority of section 402 of the Federal Seed Act (7 U.S.C. 1592), it is hereby ordered that §§ 201.208, 201.210, 201.218, 201.221, 201.222, 201.224–201.226, 201.228, and 201.230 of the joint rules and regulations of the Secretary of the Treasury and the Secretary of Agriculture (7 CFR 201.208, 201.210, 201.218, 201.221, 201.222, 201.224–201.226, 201.228, and 201.230) under the Federal Seed Act are amended as follows:

§ 201.208 [Amendment]

1. Amend § 201.208 by inserting the phrase "Except as provided in paragraph (b) of this section" at the beginning of the first sentence; by designating as paragraph (a) all of the present provisions in said section; and by adding a new paragraph (b) to read as follows:

(b) It is not ordinarily practical to sample and test small lots in importations of seed. The size of lots not ordinarily sampled is shown in table 3 in § 201.221a. No release by the United States Department of Agriculture will be necesary for seed not sampled.

§ 201.210 [Amendment]

2. Amend paragraph (g) of § 201.210 to read as follows:

(g) Sampling shall not proceed unless each container is stenciled or otherwise labeled to show the lot designation and the name of the kind, or kind and variety, appearing on the invoice and other entry papers.

§ 201.218 [Amendment]

3. Amend § 201.218 by changing the part of the proviso preceding the phrase "collectors of customs" to read: *"Provided however,* That if each container of such seed or screenings is stenciled or labeled to show the name of the kind, or the kind and variety, and a lot number or other designation identifying the lot of seed,".

4.a. Amend the heading preceding § 201.221 to read "Exemptions, Declarations and Labeling", and amend § 201.221 to read as follows:

§ 201.221 Exemptions.

(a) *Shipments through the United States.* Seed shipped in bond through the United States is not subject to the import requirements of the act.

(b) *United States seed returned.* Seed which has been grown in the United States, exported, and returned from a foreign country, is not subject to the prohibition against the importation of seed that is adulterated or unfit for seeding purposes: *Provided,* That proof in the form of statements or other documents, furnished by the United States importer to the Seed Branch, Agricultural Marketing Service, United States Department of Agriculture, establishes that (1) the seed was grown in the United States and was exported, (2) the seed was not admitted into the commerce of a foreign country, and (3) the seed was not commingled with other seed after being exported. The information required in subparagraph (1) of this paragraph shall include the quantity of seed and number of containers, the date of exportation from the United States, the distinguishing marks on the containers at the time of exportation, and the name and address of the United States exporter. The information required in subparagraphs (2) and (3) of this paragraph shall be contained in a statement or document issued by a customs or other Government official of the foreign country.

(c) *Seed for experimental or breeding purposes.* Any lot of seed imported for sowing for experimental or breeding purposes and not for sale is not subject to the prohibition against the importation of seed that is adulterated or unfit for seeding purposes: *Provided,* That (1) a declaration is filed by the importer with the Seed Branch, Agricultural Marketing Service, United States Department of Agriculture, as specified in this paragraph, and (2) the quantity of seed in the lot will not exceed that shown in table 3 in § 201.221a for such seed. Seed imported for increase purposes only will not be considered to be imported for experimental or breeding purposes. The declaration required to be filed shall be in substantially the following form:

DECLARATION

SEED FOR EXPERIMENTAL OR BREEDING PURPOSES

The undersigned declares:

That he is a resident of _____
(Street, City, and State)

_____; That he is (owner of) (employed by) the firm of _____ (as a _____); That he (is) (represents) the (owner) (consignee) of the _____ pounds of _____
(Kind of seed)

offered for importation at _____
(Port of entry)

under entry No. _____ and contained in _____ bags or containers marked _____ as described in invoice No. _____ dated _____; That said seed is being imported for making selections, crosses, or tests, or for other experimental or breeding purposes and will not be sold.

Signed _____

Date: _____

b. Add a new § 201.221a to read as follows:

§ 201.221a Table 3.

	Weight of seed lot not ordinarily sampled, less than—	Weight of seed lot permitted entry for experimental or breeding purposes, not more than—
	Pounds	*Pounds*
Vegetable seeds:		
Artichoke	25	50
Asparagus	25	50
Asparagusbean	25	50
Bean	25	200
Bean, lima	25	200
Bean, runner	25	200
Beet	25	50
Broadbean	25	200
Broccoli	5	10
Brussels sprouts	5	10
Cabbage	5	10
Cantaloupe (see Muskmelon).		
Cardoon	25	50
Carrot	5	10
Cauliflower	5	10
Celeriac	5	10
Celery	5	10
Chard, Swiss	25	50
Chicory	5	10
Chinese cabbage	5	10
Citron	25	50
Collards	5	10
Corn, sweet	25	200
Cornsalad	5	10
Cowpea	25	200
Cress, garden	5	10
Cress, water	5	10
Cucumber	25	50
Dandelion	5	10
Eggplant	5	10
Endive	5	10
Kale	5	10
Kale, Chinese	5	10
Kohlrabi	5	10
Leek	5	10
Lettuce	5	10
Muskmelon	25	50
Mustard	5	10
Mustard, spinach	5	10
Okra	25	50
Onion	5	10
Onion, Welsh	5	10
Pak-choi	5	10
Parsley	5	10
Parsnip	5	10
Pea	25	200
Pepper	5	10
Pumpkin	25	50
Radish	25	50
Rhubarb	5	10
Rutabaga	5	10
Salsify	25	50
Sorrel	5	10
Soybean	25	200
Spinach	25	50
Spinach, New Zealand	25	50
Squash	25	50
Tomato	5	10
Tomato, husk	5	10
Turnip	5	10
Watermelon	25	50
Agricultural seeds:		
Alfalfa	25	100
Alfilaria	25	100
Alyceclover	25	100
Bahiagrass	25	100
Barley	100	500
Bean, adzuki	100	500
Bean, field	100	500
Bean, mung	100	500
Bean (see Velvetbean).		
Beet, field	100	500
Beet, sugar	100	1,000
Beggarweed	25	100
Bentgrass or	25	100
Bentgrass, colonial	25	100
Bentgrass, creeping	25	100
Bentgrass, velvet	25	100
Bermuda-grass	25	100
Bluegrass, annual	25	100
Bluegrass, bulbous	25	100
Bluegrass, Canada	25	100
Bluegrass, Kentucky	25	100
Bluegrass, rough	25	100
Bluegrass, Texas	25	100
Bluegrass, wood	25	100
Bluestem, big	25	100
Bluestem, little	25	100
Bluestem, sand	25	100
Bluestem, yellow	25	100
Brome, field	25	100
Brome, mountain	25	100
Brome, smooth	25	100
Broomcorn	100	500
Buckwheat	100	500
Buffalograss	25	100
Buffelgrass	25	100
Bur-clover, California	25	100
Bur-clover, spotted	25	100
Burnet, little	25	100

Agricultural seeds—Con.	Weight of seed lot not ordinarily sampled, less than—	Weight of seed lot permitted entry for experimental or breeding purposes, not more than—
	Pounds	*Pounds*
Buttonclover	25	100
Canarygrass	25	100
Canarygrass, reed	25	100
Carpetgrass	25	100
Castorbean	100	500
Chess, soft	25	100
Chickpea	100	500
Clover, alsike	25	100
Clover, berseem	25	100
Clover, cluster	25	100
Clover, crimson	25	100
Clover, large hop	25	100
Clover, small hop (suckling)	25	100
Clover, ladino	25	100
Clover, lappa	25	100
Clover, Persian	25	100
Clover, red or	25	100
Red clover, mammoth	25	100
Red clover, medium	25	100
Clover, rose	25	100
Clover, strawberry	25	100
Clover, sub (subterranean)	25	100
Clover, white (also see clover, ladino)	25	100
Clover, (also see Alyceclover, Bur-clover, Buttonclover, Sourclover, Sweetclover).		
Corn, field	100	1,000
Corn, pop	100	1,000
Cotton	100	500
Cowpea	100	500
Crested dogtail	25	100
Crotalaria, lance	25	100
Crotalaria, showy	25	100
Crotalaria, slenderleaf	25	100
Crotalaria, striped	25	100
Crotalaria, Sunn	25	100
Crownvetch	25	100
Dallisgrass	25	100
Dichondra	25	100
Dropseed, sand	25	100
Emmer	100	500
Fescue, Chewings	25	100
Fescue, hair	25	100
Fescue, meadow	25	100
Fescue, red	25	100
Fescue, sheep	25	100
Fescue, tall	25	100
Flax	25	100
Grama, blue	25	100
Grama, side-oats	25	100
Guar	25	100
Guineagrass	25	100
Hardinggrass	25	100
Hemp	100	500
Indiangrass, yellow	25	100
Indigo, hairy	25	100
Japanese lawngrass	25	100
Johnsongrass	25	100
Kudzu	25	100
Lentil	25	100
Lespedeza, Korean	25	100
Lespedeza, sericea or Chinese	25	100
Lespedeza, Siberian	25	100
Lespedeza, striate	25	100
Lovegrass, sand	25	100
Lupine, blue	100	500
Lupine, white	100	500
Lupine, yellow	100	500
Manilagrass	25	100
Meadow foxtail	25	100
Medick, black	25	100
Millet, browntop	25	100
Millet, foxtail	25	100
Millet, Japanese	25	100
Millet, pearl	25	100
Millet, proso	25	100
Molassesgrass	25	100
Mustard	25	100
Mustard, black	25	100
Mustard, white	25	100
Napiergrass	25	100
Oat	100	500
Oatgrass, tall	25	100
Orchardgrass	25	100
Panicgrass	25	100
Peanut	100	500
Pea, field	100	500
Poa trivialis (see bluegrass, rough).		
Rape, annual	25	100
Rape, bird	25	100
Rape, turnip	25	100
Rape, winter	25	100
Redtop	25	100
Rescuegrass	25	100
Rhodesgrass	25	100
Rice	100	500
Ricegrass, Indian	25	100
Roughpea	100	500
Rye	100	500
Ryegrass, Italian	25	100
Ryegrass, perennial	25	100
Safflower	100	500
Sainfoin	100	500
Seasame	25	100
Sesbania	25	100
Smilo	25	100
Sorghum	100	1,000
Sorghum alum	25	100
Sorgrass	25	100
Sourclover	25	100
Soybean	100	500
Spelt	100	500
Sudangrass	25	100
Sunflower	100	500
Sweetclover or	25	100
Sweetclover, white	25	100
Sweetclover, yellow	25	100
Sweet vernalgrass	25	100
Switchgrass	25	100
Timothy	25	100
Tobacco	1	1
Trefoil, big	25	100
Trefoil, birdsfoot	25	100
Vaseygrass	25	100
Veldtgrass	25	100
Velvetbean	100	500
Velvetgrass	25	100
Vetch or	100	500
Vetch, common	100	500
Vetch, hairy	100	500
Vetch, Hungarian	100	500
Vetch, Monantha	100	500
Vetch, narrowleaf	100	500
Vetch, purple	100	500
Vetch, woollypod	100	500
Wheat or	100	500
Wheat, common	100	500
Wheat, club	100	500
Wheat, durum	100	500
Wheat, Polish	100	500
Wheat, poulard	100	500
Wheatgrass, fairway crested	25	100
Wheatgrass, standard crested	25	100
Wheatgrass, intermediate	25	100
Wheatgrass, pubescent	25	100
Wheatgrass, slender	25	100
Wheatgrass, tall	25	100
Wheatgrass, western	25	100
Wild-rye, Canada	25	100
Wild-rye, Russian	25	100
Zoysia Japonica (see Japanese lawngrass).		
Zoysia matrella (see Manilagrass).		

§ 201.222 [Amendment]

5. Amend § 201.222 as follows:

a. Change the heading of § 201.222 to read "Declaration of purpose and labeling as to kind and variety."

b. Add a new paragraph (e) to read as follows:

(e) The invoice and any other labeling pertaining to vegetable seed offered for importation shall bear the name of each kind and variety of the vegetable seed, and the invoice and any other labeling pertaining to agricultural seed offered for importation shall bear the name of each kind or variety of the agricultural seed.

§ 201.224 [Amendment]

6. Amend § 201.224 by inserting the word "consisting" after the word "screenings" where the latter is used as the first word in the first sentence.

§ 201.225 [Amendment]

7. Amend the second sentence in § 201.225 to read as follows: "The cleaning or processing shall be at the expense of the owner or consignee who shall reimburse the Government for all expenses incurred in connection with such supervision, including travel, per diem or subsistence, and salaries of officers or employees of the United States. Salary shall be reimbursed at the rate of $4.50 per hour in connection with supervision during normal working hours of the officer or employee and $5.80 per hour in connection with supervision outside normal working hours of the officer or employee."

§ 201.226 [Amendment]

8. Amend the last sentence of § 201.226 to read as follows: "The destruction of refuse shall be at the expense of the owner or consignee who shall reimburse the Government for all expenses incurred in connection with such supervision, including travel, per diem or subsistence, and salaries of officers or employees of the United States. Salary shall be reimbursed at the rate of $4.50 per hour in connection with supervision during normal working hours of the officer or employee and $5.80 per hour in connection with supervision outside the normal working hours of the officer or employee."

§ 201.228 [Amendment]

9. Amend the second sentence in § 201.228 to read as follows: "Any correction of the labeling upon the containers shall be done under the supervision of the U. S. Department of Agriculture at the expense of the owner or consignee, who shall reimburse the Government for all expenses incurred in connection with such supervision, including travel, per diem or subsistence, and salaries of officers or employees of the United States. Salary shall be reimbursed at the rate of $4.50 per hour in connection with supervision during normal working hours of the officer or employee and $5.80 per hour in connection with supervision outside the normal working hours of the officer or employee."

§ 201.230 [Amendment]

10. Amend the first sentence of § 201.230(c) to read as follows: "The destruction of seed or screenings refused admission shall be at the expense of the owner or consignee who shall reimburse the Government for all expenses incurred in connection with such supervision, including travel, per diem or subsistence, and salaries of officers and employees of the United States. Salary shall be reimbursed at the rate of $4.50 per hour in connection with supervision during normal working hours of the officer or employee and $5.80 per hour in connection with supervision outside the normal working hours of the officer or employee."

These amendments shall become effective on April 24, 1959.

(§ 402, 53 Stat. 1285; 7 U.S.C. 1592)

Done at Washington, D.C., this 13th day of March 1959.

[SEAL] A. GILMORE FLUES,
Acting Secretary of the Treasury.
TRUE D. MORSE,
Acting Secretary of Agriculture.

[F.R. Doc. 59-2464; Filed, Mar. 23, 1959; 8:50 a.m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 723—CIGAR-FILLER, CIGAR-BINDER, AND CIGAR-FILLER AND BINDER TOBACCO

Proclamation of the Results of Marketing Quota Referendum

Basis and purpose. The purpose of this proclamation is to add a § 723.807 to announce the results of the cigar-filler (type 41) tobacco marketing quota referendum for the three marketing years beginning October 1, 1959, and to establish a procedure whereby the Secretary of Agriculture may be petitioned prior to November 10, 1959, or prior to November 10, 1960, respectively, to proclaim national marketing quotas for cigar-filler (type 41) tobacco for the next three respective succeeding marketing years pursuant to section 312 of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1312).

§ 723.807 Proclamation of the results of the cigar-filler (type 41) tobacco marketing quota referendum for the three-year period beginning October 1, 1959 and petition procedure.

(a) *Proclamation.* In a referendum of farmers engaged in the production of the 1958 crop of cigar-filler (type 41) tobacco held on February 24, 1959, 2,382 farmers voted. Of those voting, 189, or 7.9 percent, favored quotas for a period of three years beginning October 1, 1959; 2,193, or 92.1 percent were opposed to quotas. Since more than one-third of the farmers voting opposed quotas, the national marketing quota for cigar-filler (type 41) tobacco of 41,800,000 pounds for cigar-filler (type 41) tobacco for the marketing year beginning October 1, 1959, proclaimed on January 26, 1959 (24 F.R. 633) becomes ineffective. Therefore, marketing quotas will not be in effect on cigar-filler (type 41) tobacco for the marketing year beginning October 1, 1959, nor for the marketing years beginning October 1, 1960, and October 1, 1961, respectively, unless pursuant to section 312 of the Agricultural Adjustment Act of 1938, as amended, the Secretary of Agriculture is petitioned prior to November 10, 1959, or prior to November 10, 1960, by one-fourth or more eligible farmers to proclaim national marketing quotas for the next three succeeding marketing years and unless the quotas so proclaimed are approved by two-thirds or more of the farmers voting in a referendum.

(b) *Petition procedure.* Any petition (or petitions) under paragraph (a) of said section 312 shall be in writing and be submitted to the Secretary, or if mailed shall be postmarked, prior to November 10, 1959, in the case of a petition for marketing quotas for the marketing years 1960–61, 1961–62 and 1962–63, or prior to November 10, 1960, in the case of a petition for marketing quotas for the marketing years 1961–62, 1962–63 and 1963–64. Any such petition shall include the address of each person signatory thereto; shall state that such persons favor the proclamation of national marketing quotas for cigar-filler (type 41) tobacco for the years stated in the petition, and the holding of a referendum; and shall show that such persons are one-fourth or more of the farmers engaged in the production of the crop of cigar-filler (type 41) tobacco harvested in the calendar year in which the petition is submitted.

Since the only purpose of this document is to proclaim the results of the referendum and to provide a petition procedure, it is hereby found and determined that with respect to this proclamation and petition procedure, application of the notice and procedure provisions of the Administrative Procedure Act (5 U.S.C. 1003) is unnecessary.

(Sec. 375, 52 Stat. 66; 7 U.S.C. 1375. Interpret or apply sec. 312, 52 Stat. 46, as amended; 7 U.S.C. 1312)

Done at Washington, D.C., this 17th day of March 1959. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F.R. Doc. 59–2466; Filed, Mar. 23, 1959; 8:50 a.m.]

PART 725—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

Proclamation of the Results of Marketing Quota Referenda

Basis and purpose. The purpose of this proclamation is to add a § 725.1010 to announce the results of the burley tobacco and Virginia sun-cured tobacco marketing quota referenda for the three marketing years beginning October 1, 1959. Under the provisions of the Agricultural Adjustment Act of 1938, as amended, the Secretary proclaimed national marketing quotas for burley tobacco and Virginia sun-cured tobacco for the 1959–60, 1960–61 and 1961–62 marketing years and announced the amounts of the national marketing quotas for burley and Virginia sun-cured tobacco for the 1959–60 marketing year (24 F.R. 635). The Secretary announced (24 F.R. 643) that referenda would be held February 24, 1959 to determine whether burley tobacco producers and Virginia sun-cured tobacco producers were in favor of or opposed to marketing quotas for the three marketing years beginning October 1, 1959.

§ 725.1010 Proclamation of the results of the burley tobacco and Virginia sun-cured tobacco marketing quota referenda for the three-year period beginning October 1, 1959.

(a) *Burley tobacco.* In a referendum of farmers engaged in the production of the 1958 crop of burley tobacco held on February 24, 1959, 190,453 farmers voted. Of those voting, 188,052, or 98.7 percent, favored quotas for a period of three years beginning October 1, 1959; 2,401, or 1.3 percent, were opposed to quotas. Therefore, the national marketing quota of 492,000,000 pounds for burley tobacco proclaimed January 26, 1959 (24 F.R. 635) for the 1959–60 marketing year, will be in effect for such year, and marketing quotas on burley tobacco will be in effect for the three marketing years beginning October 1, 1959.

(b) *Virginia sun-cured tobacco.* In a referendum of farmers engaged in the production of the 1958 crop of Virginia sun-cured tobacco held February 24, 1959, 1,128 farmers voted. Of those voting, 1,104, or 97.9 percent, favored quotas for a period of three years beginning October 1, 1959, and 24, or 2.1 percent, were opposed to quotas. Therefore, the national marketing quota of 4,106,000 pounds proclaimed January 26, 1959 (24 F.R. 635) for Virginia sun-cured tobacco for the 1959–60 marketing year will be in effect for such year, and marketing quotas will be in effect on Virginia sun-cured tobacco for the three marketing years beginning October 1, 1959.

Since the only purpose of this proclamation is to announce the results of these referenda, it is hereby found and determined that with respect to this proclamation application of the notice and procedure provisions of the Administrative Procedure Act (5 U.S.C. 1003) is unnecessary.

(Sec. 725.1010 is issued under sec. 375, 52 Stat. 66; 7 U.S.C. 1375. Interpret or apply sec. 312, 52 Stat. 46, as amended; 7 U.S.C. 1312)

Done at Washington, D.C., this 17th day of March 1959. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F.R. Doc. 59–2467; Filed, Mar. 23, 1959; 8:50 a.m.]

PART 727—MARYLAND TOBACCO

Proclamation of the Results of Marketing Quota Referendum

Basis and purpose. The purpose of this proclamation is to add a § 727.1003 to announce the results of the Maryland tobacco marketing quota referendum for the three marketing years beginning October 1, 1959. Under the provisions of the Agricultural Adjustment Act of 1938, as amended, the Secretary proclaimed national marketing quotas for Maryland tobacco for the 1959–60, 1960–61, and 1961–62 marketing years and announced the amount of the national marketing quota for Maryland tobacco for the 1959–60 marketing year (24 F.R. 637). The Secretary announced (24 F.R. 644) that a referendum would be held February 24, 1959 to determine whether Maryland tobacco producers were in favor of or opposed to marketing quotas for the three marketing years beginning October 1, 1959.

§ 727.1003 Proclamation of the results of the Maryland tobacco marketing quota referendum for the three-year period beginning October 1, 1959.

In a referendum of farmers engaged in the production of the 1958 crop of Mary-

land tobacco held on February 24, 1959, 5,021 farmers voted. Of those voting, 3,225, or 64.2 percent, favored quotas for a period of three years beginning October 1, 1959; 1,796, or 35.8 percent, were opposed to quotas. Since more than one-third of the farmers voting were opposed to quotas, the national marketing quota of 42,600,000 pounds for Maryland tobacco proclaimed January 26, 1959 (24 F.R. 637), for the 1959–60 marketing year, will not be in effect for such year, and marketing quotas on Maryland tobacco will not be in effect for the three marketing years beginning October 1, 1959, except that Maryland tobacco growers will vote in a referendum to be held in late 1959 or in early 1960 on whether they favor quotas on Maryland tobacco for the 1960–61, 1961–62 and 1962–63 marketing years; if quotas for the 1960–61, 1961–62 and 1962–63 marketing years are disapproved in such referendum, Maryland tobacco growers will vote in a referendum to be held in late 1960 or in early 1961 on whether they want quotas for the 1961–62, 1962–63 and 1963–64 marketing years.

Since the only purpose of this proclamation is to announce the results of this referendum, it is hereby found and determined that with respect to this proclamation application of the notice and procedure provisions of the Administrative Procedure Act (5 U.S.C. 1003) is unnecessary.

(Sec. 727.1003 is issued under sec. 375, 52 Stat. 66; 7 U.S.C. 1375. Interpret or apply sec. 312, 52 Stat. 46, as amended; 7 U.S.C. 1312)

Done at Washington, D.C., this 17th day of March 1959. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F.R. Doc. 59-2468; Filed, Mar. 23, 1959; 8:51 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 161, Amdt. 1]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b) (1) (i) and (ii) of § 914.461 (Navel Orange Regulation 161, 24 F.R. 1857) are hereby amended to read as follows:

(i) District 1: 665,280 cartons;
(ii) District 2: 766,920 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U.S.C. 608c)

Dated: March 19, 1959.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-2462; Filed, Mar. 23, 1959; 8:49 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7200]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Parks Canning Co., Inc., et al.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment or acceptance of commission, brokerage, or other compensation under 2(c): § 13.817 *Cutting brokerage fees;*[1] § 13.822 *Lowered price to buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 38 Stat. 730, as amended; 15 U.S.C. 13) [Cease and desist order, Parks Canning Company, et al., Seattle, Wash., Docket 7200, February 12, 1959]

In the Matter of Parks Canning Company, Inc., a Corporation; H. M. Parks Company, Inc., a Corporation; Western Fisheries Company, a Corporation; and North Pacific Seafoods, a Copartnership

This proceeding was heard by a hearing examiner on the complaint of the Commission charging three associated corporate packers of sea food products and their exclusive sales agent in Seattle, Wash., with violating the brokerage section of the Clayton Act (sec. 2(c)) by making sales to certain chains at reduced prices arrived at by giving up all or a large part of the brokerage earned by said sales agent on the sales; and—in cases where said sales agent acted as a primary broker for outside packers—by passing on brokerage to certain buyers or their agents.

After acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on February 12 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Parks Canning Company, Inc., a corporation, H. M. Parks Company, Inc., a corporation and as a copartner doing business as North Pacific Seafoods, Western Fisheries Company, a corporation and as a copartner doing business as North Pacific Seafoods, North Pacific Seafoods, a copartnership and respondents' officers, agents, representatives, or employees, directly or through any corporate, partnership, or other device, in connection with the sale of seafood products in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

1. Paying, granting, or allowing, directly or indirectly, to any buyer, or to anyone acting for or in behalf of, or who is subject to the direct or indirect control of such buyer, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any sale of seafood products to such buyer for his own account;

2. Paying, granting or passing on, either directly or indirectly to any buyer, or to anyone acting for or in behalf of or who is subject to the direct or indirect control of such buyer, brokerage earned or received by respondents on sales made for their packer-principals, by allowing to buyers lower prices which reflect all or any part of such brokerage, or by granting them allowances or rebates which are in lieu of brokerage, or by any other method or means.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the above-named respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: February 12, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-2444; Filed, Mar. 23, 1959; 8:46 a.m.]

[1] Amended to read as set forth.

[Docket 7202]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

P. J. Burk Packing Co., Inc., et al.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment or acceptance of commission, brokerage, or other compensation under 2(c): § 13.820 *Direct buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U.S.C. 13) [Cease and desist order, P. J. Burk Packing Co., Inc., et al., Bellingham, Wash., Docket 7202, February 12, 1959]

In the Matter of P. J. Burk Packing Co., Inc., a Corporation, and Burk Canning Co., Inc., a Corporation, and John G. Mitchell, as an Individual and as an Officer of Said Corporations

This proceeding was heard by a hearing examiner on the complaint of the Commission charging two associated canners of salmon and other sea food products in Bellingham, Wash., with violating the brokerage provisions of the Clayton Act (section 2(c)) by reducing their selling prices to certain direct buyers in the approximate amount of the brokerage fees which would have been due to brokers had they negotiated the sales.

After acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on February 12 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents P. J. Burk Packing Co., Inc., a corporation, and its officers, Burk Canning Co., Inc., a corporation, and its officers; and John G. Mitchell, individually and as an officer of respondent corporations, and respondents' officers, agents, representatives, or employees, directly or through any corporate or other device, in connection with the sale of seafood products in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from: Paying, granting, or allowing, directly or indirectly, to any buyer, or to anyone acting for or in behalf of, or who is subject to the direct or indirect control of such buyer, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any sale of seafood products to such buyer for his own account.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the above-named respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: February 12, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59-2445; Filed, Mar. 23, 1959; 8:46 a.m.]

[Docket 7204]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

E. H. Hamlin Associates

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment or acceptance of commission, brokerage, or other compensation under 2(c): § 13.817 *Cutting brokerage fees;* § 13.822 *Lowered price to buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 38 Stat. 730, as amended; 15 U.S.C. 13) [Cease and desist order, Carl H. Anderson trading as E. H. Hamlin Associates, Seattle, Wash., Docket 7204, February 12, 1959]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a primary broker of seafood products in Seattle, Wash., with violating the brokerage section of the Clayton Act (section 2(c)) by making grants or allowances in lieu of brokerage to certain buyers or their agents consisting of price concessions or rebates, a part or all of which were not charged back to the packer-principals but were taken from his brokerage or that of his field brokers.

After acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on February 12 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Carl H. Anderson, individually and trading as E. H. Hamlin Associates, or under any other name, and his agents, representatives, or employees, directly or through any corporate, partnership or other device, in connection with the sale and distribution of seafood products in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from: Paying, granting, or passing on, either directly or indirectly, to any buyer or to anyone acting for or in behalf of or subject to the direct or indirect control of such buyer, brokerage earned or received by respondent on sales made for his packer-principals, by allowing to buyers lower prices which reflect all or any part of such brokerage, or by granting them allowances or rebates which are in lieu of such brokerage, or by any other method or means.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent Carl H. Anderson, an individual trading as E. H. Hamlin Associates, shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: February 12, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59-2446; Filed, Mar. 23, 1959; 8:47 a.m.]

[Docket 7208]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

P. E. Harris Co., Inc.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment or acceptance of commission, brokerage, or other compensation under 2(c): §13.817 *Cutting brokerage fees;* § 13.822 *Lowered price to buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 38 Stat. 730, as amended; 15 U.S.C. 13) [Cease and desist order, P. E. Harris Company, Inc., Seattle, Wash., Docket 7208, Feb. 12, 1959]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a canner and primary broker of sea food products in Seattle, Wash., with violating sec. 2(c) of the Clayton Act by paying or allowing brokerage to certain buyers for their own account and making grants in lieu of brokerage by price concessions or rebates, a part or all of which were not charged back to the packer-principals but were taken from its brokerage or that of its field brokers.

After acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on February 12 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That P. E. Harris Company, Inc., a corporation, and its officers, agents, representatives, or employees, directly or through any corporate or other device, in connection with the sale of seafood products in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

1. Paying, granting, or allowing, directly or indirectly, to any buyer, or to anyone acting for or in behalf of, or who is subject to the direct or indirect control of such buyers, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with the sale of seafood products to such buyer for his own account;

2. Paying, granting, or passing on, either directly or indirectly, to any buyer or to anyone acting for or in behalf

of or who is subject to the direct or indirect control of such buyer, brokerage earned or received by respondent on sales made for its packer-principals, by allowing to buyers lower prices which reflect all or any part of such brokerage, or by granting them allowances or rebates which are in lieu of brokerage, or by any other method or means.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the respondent, P. E. Harris Company, Inc., a corporation, shall, within sixty (60) days after service upon it of this decision, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order contained in the aforesaid initial decision as modified.

Issued: February 12, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59-2447; Filed, Mar. 23, 1959; 8:47 a.m.]

[Docket 7249]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Emard Packing Co., Inc., et al.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment or acceptance of commission, brokerage, or other compensation under 2(c): § 13.817 *Cutting brokerage fees;* § 13.822 *Lowered price to buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 38 Stat. 730, as amended; 15 U.S.C. 13) [Cease and desist order, Emard Packing Co., Inc., et al., Seattle, Wash., Docket 7249, Feb. 12, 1959]

In the Matter of Emard Packing Co., Inc., a Corporation, and Henry J. Emard, Individually and as an Officer of Said Corporation; Johnson Lincoln, a Corporation, and Forrest H. Johnson, Individually and as an Officer of Said Corporation, and Also Trading as Forrest H. Johnson Co.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging packers of seafood products and their exclusive primary brokers in Seattle, Wash., with violating section 2(c) of the Clayton Act by making payments, allowances, etc., in lieu of brokerage, or granting lower prices which reflected brokerage to certain favored customers.

After acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on February 12 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Emard Packing Co., Inc., a corporation, and its officers, and Henry J. Emard, individually and as an officer of said corporation; and Johnson Lincoln, a corporation, and its officers, and Forrest H. Johnson, individually and as an officer of said corporation, and also doing business as Forrest H. Johnson Co., and respondents' agents, representatives, or employees, directly or through any corporate, partnership or other device, in connection with the sale of seafood products in commerce as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

1. Paying, granting, or allowing, directly or indirectly, to any buyer, or to anyone acting for or in behalf of, or who is subject to the direct or indirect control of such buyer, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any sale of seafood products to such buyer for his own account.

2. Paying, granting, or passing, directly or indirectly, to any buyer, or to anyone acting for or in behalf of, or who is subject to the direct or indirect control of such buyer, brokerage earned or received by respondents on sales made for their packer-principals, by allowing to buyers lower prices which reflect all or any part of such brokerage, or by granting them allowances or rebates which are in lieu of such brokerage, or by any other method or means.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the above-named respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: February 12, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59-2448; Filed, May 23, 1959; 8:47 a.m.]

Title 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board—Federal Aviation Agency

SUBCHAPTER B—ECONOMIC REGULATIONS

[Reg. ER-253]

PART 244—FILING OF REPORTS BY AIR FREIGHT FORWARDERS, INTERNATIONAL AIR FREIGHT FORWARDERS, AND COOPERATIVE SHIPPERS ASSOCIATIONS

Title of Form

In Federal Register Document 59-1663, published on page 1409 in the issue dated February 26, 1959, the title of Form 244A in § 244.4 appeared as "Financial and Operating Report for Cooperative Shippers Associations." The correct title of this form is "Annual Report of Cooperative Shippers Associations."

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 59-2469; Filed, Mar. 23, 1959; 8:51 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

PART 146d—CERTIFICATION OF CHLORAMPHENICOL AND CHLORAMPHENICOL - CONTAINING DRUGS

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

Miscellaneous Amendments

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended 72 Stat. 948; 21 U.S.C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F.R. 1045; 23 F.R. 9500), the regulations for certification of antibiotic and antibiotic-containing drugs (21 CFR Parts 146a, 146b, 146c, 146d, 146e; 21 CFR, 1957 Supp.; 23 F.R. 3034, 3107 et seq., 3595, 3850, 4516, 4518, 5664, 5665, 6427 et seq., 7426, 9450, 9876) are amended as indicated below:

1. Section 146a.21(d)(3)(i) is amended by deleting the phrase "or more than 100 capsules".

2. Section 146a.24(d) is amended in the following respects:

a. Subparagraph (2) is amended by deleting the words "or more than" from the introduction to the subparagraph.

b. Subparagraph (2)(i) is amended by deleting the phrase "or more than 13".

c. Subparagraph (2)(ii) is amended by deleting the phrase "or more than 15".

d. Subparagraph (2)(iii) is amended by deleting the phrase "or more than 17".

e. Subparagraph (2)(iv) is amended by deleting the phrase "or more than 100" at both places in which it appears.

3. Section 146a.25(d)(3)(i)(*a*) is amended to read as follows:

(a) For all tests except sterility: One package for each 5,000 packages in the batch, but in no case less than 5 packages.

4. Section 146a.26(d) (3) (i) is amended by deleting the phrase "or more than 12 packages".

5. Section 146a.27(d) (3) (i) is amended by deleting the phrase "or more than 100 tablets".

6. Section 146a.28(d) (3) (i) is amended by deleting the phrase "or more than 12".

7. Section 146a.29(d) (3) is amended by deleting from the first sentence the phrases "or more than 13", "and not more than 15", "and not more than 17".

8. Section 146a.30(d) (3) (i) is amended by deleting the phrase "or more than 100 troches".

9. Section 146a.31(d) (3) (i) is amended by deleting the phrase "or more than 100 cones".

10. Section 146a.32 is amended in the following respects:

a. Paragraph (d) (3) (i) (a) is amended by deleting the phrase "or more than 12".

b. Paragraph (d) (3) (i) (b) is amended by deleting the phrase "and not more than 100 immediate containers or tablets."

11. Section 146a.33(d) (3) (i) is amended by deleting the phrase "or more than 100".

12. Section 146a.34(d) (3) (i) is amended by deleting the phrase "or more than 100 tablets".

13. Section 146a.35(d) (3) (i) (a) is amended by deleting the phrases "or more than 12" and "or more than 12 grams."

14. Section 146a.36(d) (3) (i) is amended by deleting the phrase "or more than 100 suppositories".

15. Section 146a.38(d) (3) (i) is amended by deleting the phrase "or more than 100 capsules".

16. Section 146a.39(d) (3) (i) is amended by deleting the phrase "or more than 100 capsules".

17. Section 146a.40(d) (3) (i) is amended by deleting the phrase "or more than 100 bougies".

18. Section 146a.41(d) (3) (i) (a) is amended to read as follows:

(a) For all tests except sterility; one package for each 5,000 packages in the batch, but in no case less than 5 packages.

19. Section 146a.43(d) (3) (i) (a) is amended to read as follows:

(a) For all tests except sterility; one package for each 5,000 packages in the batch, but in no case less than 5 packages.

20. Section 146a.45(d) (3) (i) (a) is amended to read as follows:

(a) For all tests except sterility; one package for each 5,000 packages in the batch, but in no case less than 5 packages.

21. Section 146a.46(d) (3) (i) is amended by deleting the phrase "or more than 12 immediate containers".

22. Section 146a.47(d) (3) (i) (a) is amended by deleting the phrase "or more than 17".

23. Section 146a.49(d) (3) (i) is amended by deleting the phrase "or more than 100 tablets".

24. Section 146a.51(d) (3) (i) (a) is amended by deleting the phrase "or more than 12 immediate containers."

25. Section 146a.52(a) (3) is amended by changing the figure "4" in the second sentence to "6" and deleting the clause ", unless it is intended solely for udder instillations of cattle in which case such sample shall consist of not less than 6 packages, ".

26. Section 146a.58(d) (3) (i) (a) is amended by deleting the phrase "or more than 19".

27. Section 146a.59(d) (3) (i) is amended by deleting the phrase "or more than 12 immediate containers".

28. Section 146a.63(d) (3) (i) (a) is amended by deleting the phrase "or more than 17".

29. Section 146a.65(d) (3) (i) (a) is amended to read as follows:

(a) For all tests except sterility; one package for each 5,000 packages in the batch, but in no case less than 5 packages.

30. Section 146a.66(d) (3) (i) (a) is amended by deleting the phrase "or more than 17".

31. Section 146a.67(d) (3) (i) (a) is amended by deleting the phrase "or more than 19".

32. Section 146a.69(d) (3) (i) is amended by deleting the phrase "or more than 12".

33. Section 146a.75(d) (3) (i) (a) is amended by deleting the phrase "or more than 17".

34. Section 146a.76(d) (3) (i) is amended by deleting the phrase "or more than 100 pellets".

35 Section 146a.77(d) (3) (i) (a) is amended by deleting the phrase "or more than 17".

36. Section 146a.80(d) (3) (i) (a) is amended by deleting the phrase "or more than 17".

37. Section 146a.82(d) (3) (i) (a) is amended to read as follows:

(a) For all tests except sterility; one package for each 5,000 packages in the batch, but in no case less than 7 packages.

38. Section 146a.84(d) (3) (i) (a) is amended by deleting the phrase "or more than 19".

39. Section 146a.93(c) is amended by deleting the phrase "or more than 12".

40. Section 146a.95(d) (3) (i) is amended by deleting the phrase "or more than 12".

41. Section 146a.98(d) (3) (i) is amended by deleting the phrase "or more than 12".

42. Section 146a.101(a) (4) is amended by changing the words "4 packages" in the second sentence to read "6 packages".

43. Section 146a.102(a) (3) is amended by changing the words "5 immediate containers" in the second sentence to read "7 immediate containers".

44. Section 146a.104(d) (3) (i) is amended by deleting the phrase "or more than 12 immediate containers".

45. Section 146a.112(d) (3) (i) is amended by deleting the phrase "or more than 12 packages".

46. Section 146b.101(d) (2) (i) is amended by deleting the phrase "or more than 12".

47. Section 146b.102(d) (3) (i) is amended by deleting from the first sentence the phrases "or more than 12 immediate containers" and "or more than twelve 1-ounce portions".

48. Section 146b.104(d) (3) (i) is amended by deleting the phrase "or more than 100 tablets".

49. Section 146b.105(d) (2) (i) is amended by deleting the phrase "or more than 100".

50. Section 146b.106(d).(3) (i) (a) is amended by deleting the phrase "or more than 12".

51. Section 146b.107(d) (3) (i) is amended by deleting the phrase "or more than 100 tablets".

52. Section 146b.108(d) (3) (i) is amended by deleting the phrase "or more than 12 immediate containers".

53. Section 146b.109(d) (3) (i) (a) is amended by deleting the phrase "or more than 100".

54. Section 146b.110(d) (3) (i) is amended by deleting the phrase "or more than 12".

55. Section 146b.111(d) (3) (i) is amended by deleting from the first sentence the phrases "or more than 100 immediate containers" and "or more than 100 grams."

56. In § 146b.112, paragraph (d) (2) (i) (a) and (b) are changed to read as follows:

(a) If the streptomycin or dihydrostreptomycin used has been previously submitted: One immediate container for each 5,000 immediate containers in the batch, but in no case less than 5 immediate containers, or if it is packaged with inert gases not less than 7 immediate containers.

(b) If the streptomycin or dihydrostreptomycin used has not been previously submitted: One immediate container for each 5,000 immediate containers in the batch, but in no case less than 12 immediate containers.

57. Section 146b.113(d) (3) (i) (a) is amended by deleting the phrase "or more than 12".

58. Section 146b.115(d) (3) (i) is amended by deleting from the first sentence the phrases "or more than 12 immediate containers" and "or more than twelve 15-gram portions."

59. Section 146b.116(d) (2) (i) is amended by deleting the phrase "or more than 12".

60. Section 146b.118(d) (3) (i) is amended by deleting the phrase "or more than 12".

61. Section 146b.119(d) (2) (i) is amended by deleting the phrase "or more than 12".

62. Section 146b.121(d) (3) (i) is amended by deleting the phrase "or more than 12 immediate containers".

63. Section 146b.122(d) (3) (i) is changed to read as follows:

(i) The batch: 1 package for each 5,000 packages in the batch, but in no case less than 7 packages.

64. Section 146b.124(d) (3) (i) is amended by deleting the phrase "or more than 12 immediate containers".

65. Section 146b.126(d)(3)(i) is amended by deleting the phrase "or more than 12 immediate containers".

66. Section 146b.127(d)(2)(i) is amended by deleting the phrase "or more than 12".

67. Section 146b.128(d) is amended by deleting the phrase "and not more than 12".

68. Section 146b.130(c)(3)(i) is amended by deleting the phrase "or more than 12 immediate containers."

69. Section 146c.201(d)(2)(i) is amended by deleting the phrase "or more than 15".

70. Section 146c.202(d)(3)(i) is amended by deleting the phrase "or more than 12 packages".

71. Section 146c.203(d)(3)(i) is amended by deleting the phrase "or more than 100 troches".

72. Section 146c.204(d)(3)(i) is amended by deleting the phrase "or more than 100 capsules".

73. Section 146c.205(d)(3)(i) is amended by deleting from the first sentence the phrases "or more than 12" and "or more than twelve 1.0-gram portions".

74. Section 146c.206(d)(3)(i)(*a*) is amended by deleting the phrase "or more than 12 immediate containers."

75. Section 146c.208(d)(3)(i) is amended by deleting the phrase "or more than 12 packages".

76. Section 146c.211(d)(3)(i)(*a*) is amended by deleting the phrase "or more than 12 immediate containers".

77. Section 146c.212(d)(3)(i) is amended by deleting the phrase "or more than 100".

78. Section 146c.213(d)(3)(i)(*a*) is amended by deleting the phrase "or more than 12 packages."

79. Section 146c.214(d)(3)(i)(*a*) is amended by deleting the phrase "or more than 12".

80. Section 146c.215(d)(3)(i) is amended by deleting the phrase "or more than 12 immediate containers".

81. Section 146c.217(d)(3)(i) is amended by deleting the phrase "or more than 12".

82. Section 146c.219(d)(2) is amended by deleting the phrase "or more than twelve 1-ounce portions" and inserting a comma.

83. Section 146c.221(d)(3)(i)(*a*) is amended by deleting the phrase "or more than 17".

84. Section 146c.222(d)(3)(i) is amended by deleting the phrase "or more than 12".

85. Section 146c.226(d)(3)(i) is amended by deleting the phrase "or more than 12".

86. Section 146c.227(d)(3)(i)(*a*) is amended by deleting the phrase "or more than 12".

87. Section 146c.230(d)(3)(i) is amended by deleting the phrase "or more than 12 immediate containers."

88. Section 146c.233(e) is amended by deleting the phrase "and not more than 14".

89. Section 146c.235(d)(3)(i)(*a*) is amended by deleting the phrase "or more than 17".

90. Section 146c.241(d)(3)(i) is amended by deleting the phrase "or more than 12".

91. Section 146c.244(d)(3)(i)(*a*) is amended by deleting the phrase "or more than 12".

92. Section 146d.301(d)(2)(i) is amended by deleting the phrase "or more than 15".

93. Section 146d.302(d)(3)(i) is amended by deleting the phrase "or more than 100 capsules".

94. Section 146d.303(d)(3)(i) is amended by deleting the phrases "or more than 12 packages" and "or more than 100 immediate containers".

95. Section 146d.304(d)(3)(i)(*a*) is amended by deleting the phrase "or more than 12 immediate containers."

96. Section 146d.306(d)(3)(i) is amended by deleting the phrase "or more than 12".

97. Section 146d.307(d)(3)(i)(*a*) is amended by deleting the phrase "or more than 15".

98. Section 146d.308(d)(3)(i) is amended by deleting the phrase "or more than 100 immediate containers".

99. Section 146e.401(d)(2)(i) is amended by deleting the phrase "or more than 13".

100. Section 146e.402(d)(3)(i) is amended by deleting the phrase "or more than 12 packages".

101. Section 146e.403(d)(3)(i) is amended by deleting the phrase "or more than 100 tablets".

102. Section 146e.404(d)(3)(i) is amended by deleting the phrase "or more than 100 troches".

103. Section 146e.405(d)(3) is amended in the following respects:

a. Subdivision (*a*) is amended by deleting the phrase "or more than 12 immediate containers."

b. Subdivision (*b*) is amended by deleting the phrase "or more than 25".

104. Section 146e.408(d)(3)(i)(*a*) is amended by deleting the phrase "or more than 12 immediate containers".

105. Section 146e.417(d)(3)(i) is amended by deleting from the first sentence the phrases "or more than 12 immediate containers" and "or more than 12 30-gram portions."

106. Section 146e.419(d)(3)(i) is amended by deleting the phrase "or more than 100 troches".

107. Section 146e.425(d)(3)(i) is amended by deleting from the first sentence the phrase "or more than 12 immediate containers".

108. Section 146e.426(c) is amended by deleting the phrase "and not more than 100 tablets."

109. Section 146e.429(d)(3)(i) is amended by deleting the phrase "or more than 12 packages".

110. Section 146e.430(d)(3)(i) is amended by deleting the phrase "or more than 12 immediate containers".

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the number of samples provided for in these amendments are necessary in order to maintain an adequate certification service under the provisions of section 507(b)(1) of the Federal Food, Drug, and Cosmetic Act, and since the public interest requires the maintenance of such service.

Effective date. This order shall become effective 30 days from the date of publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies sec. 507, 59 Stat 463, as amended; 21 U.S.C 357)

Dated: March 17, 1959.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 59-2439; Filed, Mar. 23, 1959; 8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54810]

PART 3—DOCUMENTATION OF VESSELS

Cruising License Issued to Foreign-Flag Yachts

As a result of an employee suggestion, it has been concluded that the text of the license form set forth in § 3.53(f), Customs Regulations, should instruct masters that the arrival of foreign-flag yachts at each port or place in the United States must be reported to the nearest customhouse rather than merely instructing them to comply with the provisions of section 433 of the Tariff Act of 1930.

Accordingly, the last sentence of the next-to-the-last paragraph of the license form set forth in § 3.53(f) is amended to read: "Upon arrival at each port or place in the United States, the master shall report the fact of arrival to the customs officer at the nearest customhouse. Such report shall be made within 24 hours, exclusive of any day on which the customhouse is not open for marine business."

(R.S. 161, sec. 2, 23 Stat, 118, as amended, sec. 5, 35 Stat. 425, as amended, sec. 433, 46 Stat. 711; 5 U.S.C. 22, 46 U.S.C. 2, 104; 19 U.S.C. 1433)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: March 16, 1959.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 59-2460; Filed, Mar. 23, 1959; 8:49 a.m.]

Title 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 4—OPERATION AND NAVIGATION OF PANAMA CANAL AND ADJACENT WATERS

Information Required

Pursuant to the authority vested in the Governor of the Canal Zone by 35 CFR 4.11, as adopted by Canal Zone Order 30, January 6, 1953 (18 F.R. 280), 35 CFR 4.142 is hereby amended to read as follows:

§ 4.142 Information required.

As soon as radio communication can be established, vessels shall report via the local Government shore radio stations to the Port Captain their names, whether or not they desire to pass through the Canal, requirements, probable time of arrival, draft, last port of call, whether or not there is any communicable disease aboard, number of landing passengers, if any, whether or not any structural changes have been made to the vessel since last transit, and any other matters of importance and interest. In addition to the above: (a) Tankers shall report (1) the grades of cargo carried, if any, (2) the grade of cargo last carried in each empty tank that is not gas free; (b) ships carrying explosives of any nature, whether for transit or docking, shall report (1) the grades of such explosives, (2) the quantity in tons of each grade of such explosives. If the above information has been previously communicated to the Port Captain, through agents or otherwise, it will not be necessary to report by radio anything but the probable time of arrival and this shall always be sent to the Port Captain by radio via the local Government shore radio stations at least 48 hours in advance of arrival. Vessels approaching the Canal from the Pacific, in addition to the above, shall report time of passing Cape Mala and the speed being made good. Vessels approaching from the Atlantic, in addition to the above, shall report 12 hours prior to arrival any change of one hour or more from the original expected time of arrival.

(Sec. 5, 37 Stat. 562, as amended; 2 CZ Code 9, 48 U.S.C. 1318)

Issued at Balboa Heights, Canal Zone, March 9, 1959.

[SEAL] W. E. POTTER, *Governor.*

[F.R. Doc. 59-2450; Filed, Mar. 23, 1959; 8:48 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Fiscal Service

[31 CFR Part 270]

FEES FOR COPYING, CERTIFYING AND SEARCH OF RECORDS BY BUREAU OF ACCOUNTS

Notice of Proposed Rule Making

1. Notice is hereby given pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 1003) that the Secretary of the Treasury is considering the revision of the schedule of fees for the services of copying, certifying and search of records performed by the Bureau of Accounts which has been established pursuant to the provisions of Title V of the Independent Offices Appropriation Act of 1952 (65 Stat. 290, 5 U.S.C. 140) and Bureau of the Budget Circular No. A-28 dated January 23, 1954.

2. It is proposed to revise paragraph (b), § 270.3, Part 270, Subchapter A, Chapter II, Title 31 of the Code of Federal Regulations of the United States of America to read as follows:

(b) For furnishing special fiscal data that have not been published at the time of request, $4.00 per hour, with a minimum charge of $2.00. This item will be applicable primarily to special repetitive reports requested at frequent intervals by publishers and compilers of economic data. Where individuals make occasional requests for published data or for unpublished data where the cost of compilation is not significant, no charge will be made.

3. Comments on the proposed revision to the schedule of fees set forth above are invited and should be submitted in writing to the Commissioner of Accounts, Treasury Department, Washington 25, D.C., in time to be received prior to April 20, 1959. No hearing will be held to consider this matter.

Dated: March 19, 1959.

[SEAL] JULIAN B. BAIRD, *Acting Secretary of the Treasury.*

[F.R. Doc. 59-2459; Filed, Mar. 23, 1959; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 33]

EXPORT PEARS AND APPLES

Grades, Requirements, and Regulations of Secretary of Agriculture for Carrying Out Provisions of Export Apple and Pear Act

Notice is hereby given that the Department is considering the proposed amended Regulations (7 CFR Part 33), as hereinafter set forth, for carrying out the provisions of the Export Apple and Pear Act (48 Stat. 123; 7 U.S.C. 581-589). (Sec. 7, 48 Stat. 124; 7 U.S.C. 587.)

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendments to the regulations should file the same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D.C., not later than June 1, 1959.

The proposed regulations are as follows:

DEFINITIONS

§ 33.1 Act or Export Apples and Pear Act.

"Act" or "Export Apple and Pear Act" means "An act to promote the foreign trade of the United States in apples and/or pears, to protect the reputation of American-grown apples and pears in foreign markets, to prevent deception or misrepresentation as to the quality of such products moving in foreign commerce, to provide for the commercial inspection of such products entering such commerce, and for other purposes," approved June 10, 1933 (48 Stat. 123; 7 U.S.C. 581 et seq.).

§ 33.2 Person.

"Person" means an individual, partnership, association, corporation, or any other business unit.

§ 33.3 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture to whom authority has heretofore been delegated or to whom authority may hereafter be delegated to act in his stead.

§ 33.4 Carrier.

"Carrier" means any common or private carrier, including, but not being limited to, trucks, rail, airplanes, vessels, tramp or chartered steamers whether carrying for hire or otherwise.

§ 33.5 Apples.

"Apples" means fresh whole apples in packages whether or not they have been in storage.

§ 33.6 Pears.

"Pears" means fresh whole pears in packages whether or not they have been in storage.

§ 33.7 Package.

"Package" means any container of apples or pears.

§ 33.8 Shipment.

"Shipment" means one or more lots of apples or pears shipped by any one person in a single conveyance to a foreign country regardless of the number of consignees, receivers, or ports of destinations in that country.

REGULATIONS

§ 33.10 Minimum requirements.

No person shall ship, or offer for shipment, and no carrier shall transport, or receive for transportation, apples or pears to any foreign destination unless:

(a) Apples grade at least U.S. No. 1 grade or U.S. No. 1 Early grade, as specified in the United States Standards for Apples (§§ 51.300 to 51.327 of this chapter), do not contain apple maggot and do not have more than 2 percent, by count, of apples with apple maggot injury, nor more than 2 percent, by count, of apples infested with San Jose scale or scale of similar appearance;

(b) Pears grade at least U.S. No. 2 grade, as specified in the United States Standards for Summer and Fall Pears, such as Bartlett, Hardy, and other similar varieties (§§ 51.1260 to 51.1280 of this chapter), or in the United States Standards for Winter Pears, such as

Anjou, Bosc, Comice, and other similar varieties (§§ 51.1300 to 51.1323 of this chapter), do not contain apple maggot, and do not have more than 2 percent, by count, of pears with apple maggot injury, nor more than 2 percent, by count, of pears infested with San Jose scale or scale of similar appearance;

(c) Each package of apples or pears is packed so that the apples or pears in the top layer shall be reasonably representative in size, color, and quality of the contents of the package; and

(d) Each package of apples or pears is marked plainly and conspicuously with (1) the name and address of the grower or packer; (2) the variety of the apples or pears; (3) the name of the U.S. grade or the name of a state grade if the fruit meets each minimum requirement of a U.S. grade specified in this section; and (4) the numerical count or the minimum size.

§ 33.11 Inspection and certification.

(a) Each person shipping, or offering for shipment, apples or pears to any foreign destination shall cause them to be inspected by the Federal or Federal-State Inspection Service in accordance with Regulations Governing The Inspection and Certification of Fresh Fruits, Vegetables and Other Products (Part 51 of this chapter) and certified as meeting the requirements of the act and this part. No carrier shall transport, or receive for transportation, apples or pears to any foreign destination unless they have been so inspected and certified. Inspection and certification may be obtained at any time prior to exportation of the apples or pears. Such a Federal or Federal-State certificate shall be designated as an "Export Form Certificate" and shall include the following statement: "Meets requirements of Export Apple and Pear Act." The shipper shall deliver a copy of the Export Form Certificate to the export carrier. Whenever apples or pears are inspected and certified at any point other than the port of exportation, the shipper shall deliver a copy of the inspection certificate to the agent of the first carrier that thereafter transports such apples or pears and such agent shall deliver such copy to the proper official of the carrier on which the apples or pears, covered by the certificate, are to be exported.

(b) If the inspector has reason to believe that samples of a lot of apples or pears have been obtained for a determination as to compliance with tolerance for spray residue, established under the Federal Food, Drug and Cosmetic Act, as amended (52 Stat. 1040; 21 U.S.C. 301 et seq.), he shall not issue a certificate on the lot unless it complies with such tolerances.

EXEMPTIONS

§ 33.12 Apples and pears not subject to regulations.

Any person may, without regard to the provisions of this part, ship or offer for shipment, and any carrier may, without regard to the provisions of this part, transport or receive for transportation to any foreign destination:

(a) A quantity of apples or pears not exceeding a total of 1,250 pounds gross weight;

(b) Apples or pears to Pacific ports west of the International Date Line which do not meet maturity standards of the grade specified in § 33.10, if the packages are conspicuously marked or printed with the words "Immature Fruit;"

(c) Apples to Canada for processing which do not meet the grade standards specified in § 33.10, if such apples grade at least U.S. No. 2 as specified in U.S. Standards for Apples for Processing (§§ 51.340 to 51.344 of this chapter), and if the containers are conspicuously marked "Apples for Processing;"

(d) Pears to Canada for processing which do not meet the grade standards specified in § 33.10, if such pears grade at least U.S. No. 2 as specified in U.S. Standards for Pears for Canning (§§ 51.1345 to 51.1358 of this chapter), and if the containers are conspicuously marked "Pears for Canning;" and

(e) Apples or pears for processing to any other country: *Provided*, That upon application by such country the Secretary finds and publishes as an amendment to this part a notice that adequate and acceptable safeguards have been established by the designated country to assure that such apples or pears will be processed.

WITHHOLDING CERTIFICATES

§ 33.13 Notice.

If the Secretary is considering withholding the issuance of certificates under the act for a period of not exceeding 90 days to any person who ships, or offers for shipment, apples or pears to any foreign destination in violation of any provisions of the act or this part, he shall cause notice to be given to the person accused of the nature of the charges against him and of the specific cases in which violation of the act or the regulations in this part is charged.

§ 33.14 Opportunity for hearing.

The person accused shall be entitled to a hearing, provided he makes written request therefor and files a written responsive answer to the charges made not later than 10 days after service of such notice upon him. Any charge not specifically denied shall be deemed admitted. The right to hearing shall be restricted to matters in issue. At such hearing, he shall have the right to be present in person or by counsel and to submit evidence and argument in his behalf. Failure to request a hearing within the specified time or failure to appear at the hearing when scheduled shall be deemed a waiver of the right to hearing. Such person may, in lieu of requesting an oral hearing, file a sworn written statement with the Secretary not later than 10 days after service of such notice upon him.

§ 33.15 Suspension of inspection.

Any order to withhold the issuance of a certificate, as provided in section 6 of the act, will be effective from the date specified in the order but no earlier than the date of its service upon the person found to have been guilty. Such order will state the inclusive dates during which it is to remain in effect, and during this period no inspector employed or licensed by the Secretary shall issue any Export Form Certificate to such person.

§ 33.16 Service of notice or order.

Service of any notice or order required by the act or prescribed by the regulations in this part shall be deemed sufficient if made personally upon the person served, by registered mail, or by leaving a copy of such notice or order with an employee or agent at such person's usual place of business or abode or with any member of his immediate family at his place of abode. If the person named is a partnership, association, or corporation, service may similarly be made by service on any member of the partnership or any officer, employee, or agent of the association or corporation.

Dated: March 19, 1959.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-2463; Filed, Mar. 23, 1959; 8:50 a.m.]

[7 CFR Part 51]

UNITED STATES STANDARDS FOR NECTARINES [1]

Notice of Proposed Rule Making

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Nectarines (7 CFR §§ 51.3145 to 51.3159) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U.S.C. 1621 et seq.).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D.C., not later than March 31, 1959.

The proposed standards are as follows:

GRADES

Sec.
51.3145 U.S. Fancy.
51.3146 U.S. Extra No. 1.
51.3147 U.S. No. 1.
51.3148 U.S. No. 2.

UNCLASSIFIED

51.3149 Unclassified.

TOLERANCES

51.3150 Tolerances.

APPLICATION OF TOLERANCES

51.3151 Application of tolerances.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

STANDARD PACK

Sec.
51.3152 Standard pack.

DEFINITIONS

51.3153 Mature.
51.3154 Well formed.
51.3155 Clean.
51.3156 Injury.
51.3157 Damage.
51.3158 Badly misshapen.
51.3159 Serious damage.

AUTHORITY: §§ 51.3145 to 51.3159 issued under sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624.

GRADES

§ 51.3145 U.S. Fancy.

"U.S. Fancy" consists of nectarines of one variety which are mature but not soft or over-ripe, which are well formed, clean, and free from decay, broken skins which are not healed, worms, worm holes, and free from injury caused by bruises, growth cracks, hail, sunburn, sprayburn, scab, bacterial spot, scale, split pit, scars, russeting, other disease, insects, or mechanical or other means.

(a) In the case of the John Rivers variety each nectarine shall show some blushed or red color. In the case of other varieties each nectarine shall have not less than one-third of its surface showing red color characteristic of the variety. (See § 51.3150.)

§ 51.3146 U.S. Extra No. 1.

"U.S. Extra No. 1" consists of nectarines of one variety which are mature but not soft or overripe, which are well formed, clean, and free from decay, broken skins which are not healed, worms, worm holes, and free from injury caused by split pit and free from damage caused by bruises, growth cracks, hail, sunburn, sprayburn, scab, bacterial spot, scale, scars, russeting, other disease, insects, or mechanical or other means.

(a) In the case of the John Rivers variety at least 50 percent of the nectarines in any lot shall show some blushed or red color. In the case of other varieties at least 75 percent of the nectarines in any lot shall show some blushed or red color including therein at least 50 percent of the nectarines with not less than one-third of the fruit surface showing red color characteristic of the variety. (See § 51.3150.)

§ 51.3147 U.S. No. 1.

"U.S. No. 1" consists of nectarines of one variety which are mature but not soft or over-ripe, which are well formed, clean, and free from decay, broken skins which are not healed, worms, worm holes, and free from injury caused by split pit and free from damage caused by bruises, growth cracks, hail, sunburn, sprayburn, scab, bacterial spot, scale, scars, russeting, other disease, insects, or mechanical or other means.

(a) At least 75 percent of the nectarines in any lot shall show some blushed or red color except that there are no color requirements for nectarines of the John Rivers variety in this grade. (See § 51.3150.)

§ 51.3148 U.S. No. 2.

"U.S. No. 2" consists of nectarines of one variety which are mature but not soft or over-ripe, which are not badly misshapen, which are clean and free from decay, broken skins which are not healed, worms, worm holes, and free from serious damage caused by bruises, growth cracks, hail, sunburn, sprayburn, scab, bacterial spot, scale, split pit, scars, russeting, other disease, insects, or mechanical or other means.

(a) There are no color requirements for nectarines in this grade. (See § 51.3150.)

UNCLASSIFIED

§ 51.3149 Unclassified.

"Unclassified" consists of nectarines which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES

§ 51.3150 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by count, are provided as specified:

(a) *U.S. Fancy, U.S. Extra No. 1, and U.S. No. 1 grades*—(1) *For defects.* 10 percent for nectarines in any lot which fail to meet the requirements of the specified grade: *Provided,* That not more than one-half of this amount, or 5 percent, shall be allowed for defects causing serious damage, including in this latter amount not more than 1 percent for nectarines affected by decay.

(2) *For color*—(i) *U.S. Fancy grade.* 10 percent for nectarines in any lot which fail to meet the requirements of the grade.

(ii) *U.S. Extra No. 1 grade.* In the case of the John Rivers variety individual containers may have not less than 40 percent of the nectarines showing some blushed or red color: *Provided,* That the entire lot averages not less than 50 percent of the nectarines showing this color. In the case of other varieties individual containers may have not less than 65 percent of the nectarines showing some blushed or red color, including therein not less than 40 percent of the nectarines having at least one-third of the fruit surface showing red color characteristic of the variety: *Provided,* That the entire lot averages not less than 75 percent of the nectarines showing some blushed or red color, including therein not less than 50 percent of the nectarines having at least one-third of the fruit surface showing red color characteristic of the variety.

(iii) *U.S. No. 1 grade.* Except for the John Rivers variety individual containers may have not less than 65 percent of the nectarines showing some blushed or red color: *Provided,* That the entire lot averages not less than 75 percent of the nectarines showing this color.

(b) *U.S. No. 2 grade*—(1) *For defects.* 10 percent for nectarines in any lot which fail to meet the requirements of the grade: *Provided,* That not more than one-tenth of this amount, or 1 percent shall be allowed for nectarines affected by decay.

APPLICATION OF TOLERANCES

§ 51.3151 Application of tolerances.

(a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade:

(1) For packages which contain more than 5 pounds, and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 5 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified except that at least one defective and one off-size specimen may be permitted in any package; and

(2) For packages which contain 5 pounds or less, individual packages in any lot are not restricted as to the percentage of defects or off-size: *Provided,* That not more than one nectarine which is soft or affected by decay shall be permitted in any package.

STANDARD PACK

§ 51.3152 Standard pack.

(a) Nectarines shall be fairly uniform in size and shall be packed in boxes, lugs, crates, cartons or baskets and arranged according to the approved and recognized methods. All such containers shall be tightly packed and well filled but the contents shall not show excessive or unnecessary bruising resulting from overfilling. The nectarines in the shown face shall be reasonably representative in size, color and quality of the contents of the container. Each wrapped fruit shall be fairly well enclosed by its individual wrapper.

(b) When packed in closed containers, the size shall be indicated by marking the container with the numerical count, the pack arrangement, or the minimum diameter or minimum and maximum diameters in terms of inches and not less than one-eighth fractions of inches.

(c) Boxes, lugs or cartons:

(1) The number of nectarines packed in a box or lug shall not vary more than 4 from the number indicated on the container.

(2) Nectarines packed in containers equipped with cell compartments, molded trays, or paper cups shall be of the proper size for the cells, molds or cups in which they are packed.

(d) Four-basket crates:

(1) The size of nectarines packed in four-basket crates shall be indicated as follows: 3 x 4, 3–4 x 4, 3–4 x 5, 4 x 4, etc., in accordance with the arrangement in the top layer of the basket. These packs shall not be more than three layers deep.

(2) The arrangement of the bottom layer shall be one row less one way, and may be one row less each way, than the arrangement of the top layer. The arrangement of the middle layer may be the same as the top layer or may be one row less one way than the arrangement of the top layer. Straight, offset and diagonal packs in the layers are permitted.

(e) Baskets: Nectarines packed in U.S. standard half-bushel baskets shall be ring faced and tightly packed with sufficient bulge to prevent any appreciable movement of the nectarines within the baskets when lidded.

(f) "Fairly uniform in size" means that not more than 5 percent of the nectarines vary in diameter more than is permitted for the applicable size of fruit and type of container as shown in the following table:

TABLE I

Type of container	Size	Variation permitted in diameter
Four-basket crates	All	¼ inch.
California peach box	80 or smaller	Do.
Do	75 or larger	⅜ inch.
Lugs	85 or smaller	¼ inch.
Do	80 or larger	⅜ inch.
Other containers	2 inches diameter or smaller.	¼ inch.
Do	Over 2 inches to 2¾ inches diameter.	⅜ inch.
Do	Over 2¾ inches diameter.	½ inch.

(g) Minimum size: When size is indicated in terms of minimum diameter not more than 5 percent, by count, of the fruit in any container may be smaller than the size marked.

(h) "Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end of the fruit.

(i) Tolerances: In order to allow for variations incident to proper sizing and packing, not more than 10 percent, by count, of the containers in any lot may fail to meet the requirements for Standard Pack.

DEFINITIONS

§ 51.3153 Mature.

"Mature" means that the nectarine has reached the stage of growth which will insure a proper completion of the ripening process.

§ 51.3154 Well formed.

"Well formed" means that the nectarine has the shape characteristic of the variety and that the appearance is not materially affected by bumps or other roughness.

§ 51.3155 Clean.

"Clean" means that the fruit is practically free from dirt or other foreign material.

§ 51.3156 Injury.

"Injury", unless otherwise specifically defined in this section, means any defect which more than slightly affects the appearance, or the edible or shipping quality of the nectarine. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as injury;

(a) Growth cracks when deep or not well healed, or when well healed and shallow and more than 1 in number or more than one-eighth inch in length; [2]

(b) Hail when the skin has been broken or the injury is more than superficial and the aggregate area exceeds that of a circle one-fourth inch in diameter; [2]

(c) Sunburn or sprayburn when the normal color of the nectarine is more than slightly changed;

(d) Scab or bacterial spot when cracked or when the aggregate area exceeds that of a circle one-fourth inch in diameter; [2]

(e) Scale when more than 1 large scale or scale mark or more than three scales or scale marks of any size are present;

(f) Split pit when causing any crack which is unhealed or readily apparent, or when more than slightly affecting the shape of the nectarine;

(g) Scars when not light in color, when not smooth, when having appreciable depth or when the aggregate area exceeds that of a circle one-fourth inch in diameter; [2] and,

(h) Russeting which exceeds the following aggregate areas of different types of russeting, or a combination of two or more types of russeting the seriousness of which exceeds the maximum allowed for any one type:

(1) Russeting which is checked or cracked when the aggregate area affected exceeds that of a circle one-half inch in diameter; [2] and,

(2) Other types of russeting when the aggregate area affected exceeds 10 percent of the fruit surface of Freedom, Early Le Grand, Le Grand and Quetta varieties and 5 percent of the fruit surface of other varieties.

§ 51.3157 Damage.

"Damage", unless otherwise specifically defined in this section, means any defect which materially affects the appearance, or the edible or shipping quality of the nectarine. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Growth cracks when deep or not well healed, or when well healed and shallow and more than 1 in number or more than one-fourth inch in length; [2]

(b) Hail when the skin has been broken and the injury is not well healed, or when well healed and the aggregate area exceeds that of a circle one-fourth inch in diameter, [2] or when the injury is superficial and the aggregate area exceeds that of a circle three-eighths inch in diameter; [2]

(c) Sunburn or sprayburn when the normal color of the nectarine is materially changed;

(d) Scab or bacterial spot when cracked or when the aggregate area exceeds that of a circle three-eighths inch in diameter; [2]

(e) Scale when 5 or more medium to large scales or scale marks are concentrated, or when scales or scale marks are scattered and their aggregate area exceeds that of a circle one-fourth inch in diameter; [2]

(f) Scars which exceed the following aggregate areas of different types of scars, or a combination of two or more types of scars the seriousness of which exceeds the maximum allowed for any one type:

(1) Scars which are dark, rough or deep when the aggregate area exceeds that of a circle one-fourth inch in diameter; [2]

(2) Scars which are fairly light in color, fairly smooth or of slight depth when the aggregate area exceeds that of a circle five-eighths inch in diameter; [2] and,

(3) Scars which are light in color, smooth and have no depth when the aggregate area exceeds that of a circle three-fourths inch in diameter; [2]

(g) Russeting which exceeds the following aggregate areas of different types of russeting, or a combination of two or more types of russeting the seriousness of which exceeds the maximum allowed for any one type:

(1) Russeting which is checked or cracked when the aggregate area affected exceeds that of a circle three-fourths inch in diameter; [2] and,

(2) Other types of russeting when the aggregate area affected exceeds 25 percent of the fruit surface of Freedom, Early Le Grand, Le Grand, and Quetta varieties and 15 percent of the fruit surface of other varieties: *Provided,* That discoloration occurring as yellow to brown staining of the skin shall not be considered russeting and shall be considered as causing damage only when materially affecting the appearance of the nectarine.

§ 51.3158 Badly misshapen.

"Badly misshapen" means that the nectarine is so decidedly deformed that its appearance is seriously affected.

§ 51.3159 Serious damage.

"Serious damage", unless otherwise specifically defined in this section, means any defect which seriously affects the appearance, or the edible or shipping quality of the nectarine. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Growth cracks when deep or not well healed, or when well healed and seriously affecting the appearance or the shipping quality of the nectarine;

(b) Hail when the skin has been broken and is not well healed, or when well healed and the affected tissue extends more than one-fourth inch below the surface, or when the injury is superficial and the aggregate area exceeds that of a circle three-fourths inch in diameter; [2]

(c) Sunburn or sprayburn when extending into the flesh or when changing the normal color on more than one-fourth of the surface of the nectarine;

(d) Scab or bacterial spot when cracked, or when the aggregate area exceeds that of a circle three-fourths inch in diameter; [2]

(e) Scale when the aggregate area of scales or scale marks exceeds that of a circle three-eighths inch in diameter; [2]

(f) Split pit when causing any crack which is unhealed or which is healed and

[2] Areas of circles or lengths of cracks specified are applicable to a 4 x 4 size nectarine having a diameter of 2 inches. Correspondingly lesser or greater areas shall be allowed on smaller or larger nectarines.

distinctly open, or when seriously affecting the shape of the nectarine;

(g) Scars when more than one-fourth inch deep, or when dark or slightly rough and the aggregate area exceeds that of a circle one-half inch in diameter; [2]

(h) Russeting when the aggregate area affected exceeds one-half of the fruit surface of Freedom, Early Le Grand, Le Grand and Quetta varieties and one-third of the fruit surface of other varieties: *Provided*, That discoloration occurring as yellow to brown staining of the skin shall not be considered russeting;

(i) Soft or over-ripe nectarines; and,

(j) Wormy fruit or worm holes.

Dated: March 18, 1959.

[SEAL] S. T. WARRINGTON,
Acting Deputy Administrator,
Marketing Services.

[F.R. Doc. 59-2451; Filed, Mar. 23, 1959; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 196]

[Ex Parte No. MC-40]

EMPLOYEES OF MOTOR CARRIERS AND SAFETY OF OPERATION AND EQUIPMENT

Qualifications and Maximum Hours of Service

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 16th day of March A.D. 1959.

The matter of inspection and maintenance under the Motor Carrier Safety Regulations prescribed by order of April 14, 1952, as amended, being under consideration; and

It appearing, that, in accordance with section 4(a) of the Administrative Procedure Act (5 U.S.C. 1003), a Notice of Proposed Rule Making was issued April 22, 1958 (23 F.R. 2870), proposing to vacate and set aside § 196.5 of the Motor Carrier Safety Regulations, adopted April 14, 1952, as amended, other than the Out of Service Vehicle sticker and Form BMC 63 (1958) Out of Service Notice prescribed therein, and to substitute therefor the rule proposed in the aforementioned Notice of Proposed Rule Making, in which notice interested parties were invited to present statements containing data, views, or arguments on the proposal on or before July 1, 1958, which time was extended to October 1, 1958, by order entered June 17, 1958 (23 F.R. 4604), and that representations have been received in response thereto;

And it further appearing, that after full investigation of the matters and things within the scope of the Notice of April 22, 1958, and after full consideration of all the data, views, and arguments received from interested persons with respect thereto, that the Proposed Rule-Making proceeding instituted by said order should be discontinued;

It is ordered, That effective this date the Proposed Rule-Making proceeding instituted by the order entered April 22, 1958, be, and it is hereby, discontinued.

Notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and by filing a copy thereof with the Director, Federal Register Division.

(49 Stat. 546, as amended; 49 U.S.C. 304)

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-2453; Filed, Mar. 23, 1959; 8:48 a.m.]

[2] Areas of circles or lengths of cracks specified are applicable to a 4 x 4 size nectarine having a diameter of 2 inches. Correspondingly lesser or greater areas shall be allowed on smaller or larger nectarines.

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Small Tract Classification Order F-1, Fairbanks Land District

MARCH 16, 1959.

By virtue of the authority contained in the Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, and pursuant to Delegation of Authority contained in Section 2.9, Order No. 541 of April 21, 1954, Bureau of Land Management, it is ordered as follows:

1. Subject to valid existing rights, the public lands hereinafter described, which are situated in the Fairbanks, Alaska Land District, are hereby classified as chiefly valuable for recreation site purposes, as hereinafter indicated, for lease and sale under the Small Tract Act of June 1, 1938, supra:

BIRCH LAKE, ALASKA

Commencing at section corner 11/12/13/14, T. 7 S., R. 5 E., F.M.; thence, N. 89°59' E., along the section line between sections 12 and 13 approximately 503.91 feet to meander corner no. 2 on the shore of Birch Lake; thence, N. 19°00' E. along the lake shore approximately 145.20 feet to meander corner no. 3; thence, N. 11°00' E. along the lake shore approximately 92.40 feet to meander corner no. 4; thence, N. 13°30' E., along the lake shore approximately 191.40 feet to meander corner no. 5; thence, N. 15°00' E. along the lake shore approximately 132.00 feet to meander corner no. 6; thence N. 15°30' E. along the lake shore approximately 94.18 feet to meander corner no. 7; thence, S. 89°59' W., approximately 678.71 feet to corner no. 8; the section line between sections 11 and 12; thence, S. 0°04' E., approximately 660 feet to the point of beginning, containing approximately 9.01 acres.

The above described lands comprise the southern portion of Lot 5, Section 12, T. 7 S., R. 5 E., F. M.

2. The above described lands have been withdrawn from settlement, location, sale or entry, for classification, subject to valid existing rights, under P.L.O. 225, of April 21, 1944.

3. The following described Tracts A-F, which constitute all lands included in paragraph one, appear from the land records to be subject to prior valid existing settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. As to these lands, preference rights will be accorded to the respective occupants thereof, in accordance with the procedure set forth in paragraph 4a(2) below:

BIRCH LAKE, ALASKA

Tract A

Commencing at section corner 11/12/13/14, T. 7 S., R. 5 E., F.M., thence N. 89°59' E., along the section line between sections 12 and 13 approximately 503.910 feet (7.635 chains) to corner no. 2 on the shore of Birch Lake; thence, N. 19°00' E., along the lake shore approximately 95.979 feet to corner no. 3; thence, S. 89°59' W., approximately 535.158 feet to corner no. 4 on the section line between sections 11 and 12; thence, S. 0°04' E., approximately 90.750 feet to the true point of beginning, containing 1.11 acres.

Appraised price	$180.00
Advance rental (2 years)	20.00

Tract B

Commencing at section corner 11/12/13/14, T. 7 S., R. 5 E., F.M., thence N. 0°04' W., approximately 90.750 feet to the true point of beginning; thence N. 89°59' E., approximately 535.158 feet to corner no. 2 on the shore of Birch Lake; thence N. 19°00' E., along the lake shore approximately 49.221 feet to corner no. 3; thence, N. 11°00' E., along the lake shore approximately 44.497 feet to corner no. 4; thence, S. 89°59' W., approximately 558.040 feet to corner no. 5 on the section line between sections 11 and 12; thence, S. 0°04' E., approximately 90.750 feet to the true point of beginning; containing approximately 1.14 acres.

Appraised price	$180.00
Advance rental (2 years)	20.00

Tract C

Commencing at section corner 11/12/13/14, T. 7 S., R. 5 E., F.M., thence, N. 0°04' W., approximately 181.500 feet to the true point of beginning; thence, N. 89°59' E., approximately 558.040 feet to corner no. 2 on the shore of Birch Lake; thence N. 11°00' E., along the lake shore approximately 47.903 feet to corner no. 3; thence N. 13°30' E., along the lake shore approximately 129.813 feet to corner no. 4; thence, S. 89°59' W., approximately 597.435 feet to corner no. 5 on the section line between sections 11 and 12; thence, S. 0°04' E., approximately 173.250 feet to the true point of beginning; containing approximately 2.29 acres.

Appraised price	$360.00
Advance rental (2 years)	36.00

Tract D

Commencing at section corner 11/12/13/14, T. 7 S., R. 5 E., F.M.; thence N. 0°04' W., approximately 354.750 feet to the true point

of beginning; thence, N. 89°59' E., approximately 597.485 feet to corner no. 2 on the shore of Birch Lake; thence, N. 13°30' E., along the lake shore approximately 61.587 feet to corner no. 3; thence N. 15°00' E., along the lake shore approximately 66.117 feet to corner no. 4; thence, S. 89°59' W., approximately 628.975 feet to corner no. 5 on the section line between sections 11 and 12; thence, S. 0°04' E., approximately 123.750 feet to the true point of beginning; containing 1.74 acres.

Appraised price	$260.00
Advance rental (2 years)	26.00

Tract E

Commencing at section corner 11/12/13/14, T. 7 S., R. 5 E., F.M., thence N. 0°04' W., approximately 478.500 feet to the true point of beginning; thence, N. 89°59' E., approximately 628.975 feet to corner no. 2 on the shore of Birch Lake; thence, N. 15°00' E., along the lake shore approximately 65.883 feet to corner no. 3; thence, N. 15°30' E., along the lake shore approximately 28.135 feet to corner no 4; thence, S. 89°59' W., approximately 653.546 feet to corner no. 5 on the section line between sections 11 and 12; thence, S. 0°04' E., approximately 90.750 feet to the true point of beginning; containing approximately 1.34 acres.

Appraised price	$180.00
Advance rental (2 years)	20.00

Tract F

Commencing at section corner 11/12/13/14, T. 7 S., R. 5 E., F.M., N. 0°04' W., approximately 569.250 feet to the true point of beginning; thence, N. 89°59' E., approximately 653.546 feet to corner no. 2 on the shore of Birch Lake; thence, N. 15°30' E., along the lake shore approximately 94.175 feet to corner no. 3; thence, S. 89°59' W., approximately 678.713 feet to corner no. 4 on the section line between sections 11 and 12; thence, S. 0°04' E., approximately 90.750 feet to the true point of beginning; containing approximately 1.39 acres.

Appraised price	$180.00
Advance rental (2 years)	20.00

4. This classification order shall not otherwise become effective to change the status of any lands described herein or to permit leasing of any such lands under the Small Tract Act of June 1, 1938, cited above, until 10:00 a.m. on March 16, 1959. At that time the lands described above shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection, as follows:

(a) *Ninety-one day period for preference right filings.* For a period of 91 days from 10:00 a.m. on March 16, 1959, to the close of business on June 15, 1959, inclusive, preference will be given, as set forth above to:

(1) Applications under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a) as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 270–284), as amended, subject to the requirements of applicable law, and

(2) Applications under any applicable public land law, based upon prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by veterans and other qualified persons under subdivision (1) of this paragraph shall be subject to application and claims of the classes described in subdivision (2) of this paragraph.

(b) *Date for non-preference right filings.* Non-preference filings will not be accepted at this time. Any lands remaining, on which application has not been made at the end of the preference filing period, will be the subject of a special opening order.

5. A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in 43 CFR 181.36, or which constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claim. Persons asserting preference rights through settlement or otherwise shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. Applications will be filed in the Land Office at Fairbanks, Alaska, on Form 4–776, and shall be acted on in accordance with 43 CFR Part 257.

7. The lessee under the Small Tract Act of June 1, 1938, as amended, will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the appropriate officer of the Bureau of Land Management authorized to sign the lease, improvements which, under the circumstances, are substantial, and are appropriate for the use for which the lease is issued. The lease will be issued for a period of two years. The appropriate annual rental is listed above, which for a Residence and Recreational site, is calculated as being a sum equal of 1/20th of the appraised value for each of the two lease years. However, $10.00 will be the minimum annual rental charged. The payment of two years rental in advance is required. Application for extension for an additional period of one year will be considered in appropriate cases.

8. The lessee must locate any wells or sewage disposal facilities in accordance with the laws and regulations of the State of Alaska.

9. The lease and subsequent patent will be made subject to right-of-way easements for road and public utility purposes as specified in this Classification. Such rights-of-way may be utilized by the Federal Government, County or Municipality, or by any agency thereof. In the discretion of an authorized officer of the Bureau of Land Management, these rights-of-way may be definitely located prior to issuance of the patent. If not so located, they may be subject to location after patent is issued.

10. Application to purchase at the appraised price listed above or the cost of survey, whichever is greater, may be submitted by the lessees at any time during the lease period, however, patent cannot be issued until the land applied for has been surveyed by the Bureau of Land Management. The size boundaries of these parcels may be subject to minor adjustments at the time of final survey.

RICHARD L. QUINTUS,
Operations Supervisor,
Fairbanks.

[F.R. Doc. 59-2458; Filed, Mar. 23, 1959; 8:49 a.m.]

Office of the Secretary

[Order 2508, Amdt. 28]

BUREAU OF INDIAN AFFAIRS

Delegation of Authority

Section 11 of Order No. 2508, as amended (14 F.R. 258; 16 F.R. 473, 11620; 17 F.R. 1570; 19 F.R. 34, 4585; 20 F.R. 167; 22 F.R. 646, 1263), is further amended by addition of a new paragraph to read as follows:

SEC. 11. *Funds and fiscal matters.*
* * *

(bb) All of the authority contained in section 2 of the Act of August 28, 1958 (72 Stat. 974), which relates to the liquidation of the Hoonah war housing project, Alaska, except:

(1) The authority to determine under the provision of section 2(d) of the Act the fair value of land conveyed by Indians to the Hoonah Indian Association.

(2) The authority to acquire land or any interest in land by eminent domain under the provisions of section 2(f) of the Act.

(3) The authority to determine the value of each housing unit and cancel any portion of the debt remaining thereon under the provisions of section 2(g) of the Act.

ELMER F. BENNETT,
Acting Secretary of the Interior.

MARCH 16, 1959.

[F.R. Doc. 59-2449; Filed, Mar. 23, 1959; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MATSON NAVIGATION CO. ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement No. 8337–1, between Matson Navigation Company, Isthmian Lines, Inc., Matson Orient Lines, Inc., and States Marine Corporation of Delaware, modifies Agreement No. 8337 to provide (1) that in lieu of providing in Agreement 8337 for the issuance of shares of common stock of Matson Orient to Matson and Isthmian for cash and the granting to Matson Orient of an option to purchase certain vessels, provision is made for the issuance of shares of common stock of Matson Orient to Matson and Isthmian in consideration of the payment of certain cash and the transfer of title to certain vessels, (2)

that Matson instead of employing States Marine-Isthmian Agency, Inc., as its general traffic agent, shall employ that agency as its berth agent to perform for Matson Orient's vessels the customary services of a berth agent and, cargo clerking, checking and watching services, when requested by Matson and such services are available within States Marine-Isthmian Agency's organization, and (3) that when requested by Matson, Isthmian shall, so long as it remains a tenant of its Brooklyn terminal, furnish to Matson Orient vessels wharfage facilities at such terminal and cargo clerking and checking servies at such terminal, when requested by Matson and available within Isthmian's organization.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: March 19, 1959.

[SEAL] JAMES L. PIMPER, *Secretary.*

[F.R. Doc. 59-2452; Filed, Mar. 23, 1959; 8:48 a.m.]

Office of the Secretary

LOUIS F. FRAZZA

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER:

Additions: Bethlehem Steel—Stock; Standard Oil of New Jersey—Stock.

This statement is made as of March 5, 1959.

LOUIS F. FRAZZA.

MARCH 9, 1959.

[F.R. Doc. 59-2438; Filed, Mar. 23, 1959; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-17]

INDUSTRIAL REACTOR LABORATORIES, INC.

Notice of Amendment to Facility License

Please take notice that the Atomic Energy Commission has issued Amendment No. 2, set forth below, to Facility License No. R-46, extending the expiration date of the license for a period of one month to April 30, 1959. The Industrial Reactor Laboratories, Incorporated; research reactor facility is licensed for limited operations at power levels up to 100 kilowatts (thermal), and is located at Plainsboro, New Jersey.

Dated at Germantown, Md., this 18th day of March 1959.

For the Atomic Energy Commission.

H. L. PRICE, *Director, Division of Licensing and Regulation.*

[License R-46, Amdt. 2]

The final sentence of License No. R-46 is hereby amended to read as follows:

This license is effective as of the date of issuance and shall expire at midnight, April 30, 1959.

Date of issuance: March 18, 1959.

For the Atomic Energy Commission.

H. L. PRICE, *Director, Division of Licensing and Regulation.*

[F.R. Doc. 59-2417; Filed, Mar. 23, 1959; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-17985]

PAN AMERICAN PETROLEUM CORP.

Order for Hearing and Suspending Proposed Change In Rate

MARCH 18, 1959.

Pan American Petroleum Corporation (Pan American) on February 16, 1959, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated February 12, 1959.

Purchaser: Colorado Interstate Gas Company.

Rate schedule designation: Supplement No. 1 to Pan American's FPC Gas Rate Schedule No. 170.

Effective date: March 19, 1959 (stated effective date is the first day after expiration of the required thirty days' notice).

In support of this proposed increase in rate, Pan American calls attention to the redetermination clause in its contract arrived at through arm's-length bargaining and states that the proposed rate is equal to the market price for gas in the area. In addition, Pan American cites statistics showing increasing costs in drilling and producing gas and lists prices of recently negotiated contracts in the area.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 1 to Pan American's FPC Gas Rate Schedule No. 170 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Pan American's FPC Gas Rate Schedule No. 170.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until August 19, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 59-2440; Filed, Mar. 23, 1959; 8:46 a.m.]

[Docket No. G-17986]

OHIO OIL CO.

Order for Hearing and Suspending Proposed Change in Rate

MARCH 18, 1959.

The Ohio Oil Company (Ohio Oil) on February 17, 1959, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.

Purchaser: Natural Gas Pipeline Company of America.

Rate schedule designation: Supplement No. 1 to Ohio Oil's FPC. Rate Schedule No. 35.

Effective date: March 21, 1959 (stated effective date is the effective date proposed by Ohio Oil).

In support of the proposed periodic rate increase, Ohio Oil states that the proposed price is part of the initial consideration under the contract arrived at through arm's-length bargaining and that the price is less than the going price in the area. Ohio Oil states that the increase is necessary to encourage further exploration and development and that without such periodic increases it would

not have entered into the long term contract.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 1 to Ohio Oil's FPC Gas Rate Schedule No. 35 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Ohio Oil's FPC Gas Rate Schedule No. 35.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until August 21, 1959, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Kline and Hussey dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 59-2441; Filed, Mar. 23, 1959; 8:46 a.m.]

[Docket No. G-17993]

TED WEINER ET AL.

Order for Hearing and Suspending Proposed Change in Rate

MARCH 18, 1959.

Ted Weiner (Operator) et al. (Weiner) on February 18, 1959, tendered for filing a proposed change in his presently effective rate schedule [1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.

Purchaser: Transcontinental Gas Pipe Line Company.

Rate schedule designation: Supplement No. 3 to Weiner's FPC Gas Rate Schedule No. 3.

Effective date: March 21, 1959 (stated effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed favored-nation rate increase, Weiner states that the price provision of the original contract was arrived at through arm's length bargaining and that without such provision he would not have entered into the contract.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 3 to Weiner's FPC Gas Rate Schedule No. 3 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 3 to Weiner's FPC Gas Rate Schedule No. 3.

(B) Pending the hearing and decision thereon, the supplement hereby is suspended and the use thereof deferred until August 21, 1959, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 59-2442; Filed, Mar. 23, 1959; 8:46 a.m.]

[Docket No. G-14657]

CHRISTIE, MITCHELL AND MITCHELL CO. ET AL.

Notice of Application and Date of Hearing

MARCH 17, 1959.

Take notice that on March 3, 1958, Christie, Mitchell and Mitchell Company, Agent, et al.[1] (Applicants) filed in Docket No. G-14657 an application pursuant to section 7(b) of the Natural Gas Act for authorization to abandon service of natural gas to Tennessee Gas Transmission Company (Tennessee) from the Leon Lewis Lease, Tomball Field, Harris County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The subject service has been rendered under a gas sales contract dated June 1, 1952, between Applicants as sellers and Tennessee as buyer, which contract is on file with the Commission and designated as Christie, Mitchell and Mitchell Co., FPC Gas Rate Schedule No. 8.

Applicants state that production from the subject lease has ceased due to depletion of the reservoirs and that continuance of service is unwarranted. An agreement between Applicants and Tennessee dated January 14, 1957, providing for the cancellation of the aforementioned contract has been accepted for filing and designated as Supplement No. 3 to Christie, Mitchell and Mitchell Co., FPC Gas Rate Schedule No. 8.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 22, 1959, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 10, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in ommission herein of the inter-

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[1] The present effective rate is subject to refund in Docket No. G-17670 and subject to order in Docket No. G-15872.

[1] Applicant files for itself and as agent for Associated Oil Fields Rentals, Inc., George A. Butler, Frank Fisherman, Henry Fisherman, J. A. Gray, Obbie Lewis, Dean M. Meyers, Dan J. Pulaski, E. J. Pulaski, Louis Pulaski, Leonard Rauch, Veda Mae Glesby, Gerald Rauch, Rheba J. Spiner, Betty Ann Sud, Robert Sud, Abe Zuber, David Zuber, Phil A. Zuber, Johnny Mitchell, Individually and as Trustee, H. Merlyn Christie, George P. Mitchell, Richard M. Wright, Robert S. Greenburg, William N. Zinn, Samuel Koret, Phyllis Weisler, Alan Albert, Richard Albert, Ellis Davidson and Philip Davidson, all signatories to the basic sales contract.

mediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-2443; Filed, Mar. 23, 1959; 8:46 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

INDIANA

Amendment to Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, Executive Order 10773 of July 1, 1958, and Executive Order 10782 of September 6, 1958 (18 F.R. 407, 22 F.R. 8799, 23 F.R. 5061 and 23 F.R. 6971); by virtue of the act of September 30, 1950, entitled "An Act to authorize Federal Assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855–1855g), as amended; and in furtherance of a declaration by the President in his letter to me, dated February 13, 1959, reading in part as follows:

I hereby determine the damage caused by continuing severe weather conditions throughout the State of Indiana to be of sufficient severity and magnitude to warrant further Federal assistance to supplement State and local efforts.

Therefore, under Public Law 875, 81st Congress, as amended, I hereby amend my declaration of January 29, 1959, in the State of Indiana, to include additional areas which have subsequently suffered damage from continuing severe weather conditions, particularly those areas currently being flooded and those threatened by floods, in Northeastern Indiana.

I do hereby determine the following counties in the State of Indiana to have been adversely affected by the catastrophe declared a major disaster by the President in his amendment of February 13, 1959:

Adams.	Pike.
Allen.	Pulaski.
Carroll.	Sullivan.
Cass.	Tippecanoe.
Fountain.	Vermillion.
Huntington.	Vigo.
Knox.	Wabash.
Miami.	Warren.
Parke.	

Dated: March 10, 1959.

LEO A. HOEGH,
Director.

[F.R. Doc. 59-2436; Filed, Mar. 23, 1959; 8:45 a.m.]

ERNEST A. TUPPER

Employment Without Compensation and Statement of Business Interests

Pursuant to section 710(b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Ernest A. Tupper, as an Advisor, WOC, in the Program and Policy Area, in the Office of Civil and Defense Mobilization. Mr. Tupper's statement of his business interests is attached.

Dated: February 13, 1959.

LEO A. HOEGH,
Director.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

American Can Company.

Date: February 13, 1959.

ERNEST A. TUPPER.

[F.R. Doc. 59-2435; Filed, Mar. 23, 1959; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 98]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 19, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 61903. By order of March 4, 1959, the Transfer Board approved the transfer to Pine Mountain Contracting & Refrigerating Lines, Inc., Pineville, Kentucky, of the operating rights in Permit No. MC 110588, issued January 4, 1957, to W. N. Taylor, doing business as Pine Mountain Refrigerated Lines, Pineville, Kentucky, authorizing the transportation, over regular routes, of oxygen gas and acetylene gas, from Cincinnati, Ohio, to Harlan, Ky., empty oxygen and acetylene gas containers, from Harlan, Ky., to Cincinnati, Ohio, and stoves, ranges, and stove parts, between Cleveland, Tenn., and Harlan, Ky., and over irregular routes, meat, meat products, meat by-products, dairy products, and articles distributed by meat packing houses, from National Stock Yards, Ill., to Pineville and Middlesboro, Ky., and packing house products, from Pineville and Harlan, to points in Kentucky and Virginia within 50 miles of Harlan, meats, packing-house products, butter, butter substitutes, peanut butter, canned meat products with or without vegetable, cheese, cleansing and scouring compounds, eggs, gelatin, glue, lard, lard substitutes, condensed and evaporated milk, animal and vegetable oils, dressed poultry, salad dressing, sandwich spread, and tomato juice, from Pineville, Ky., to points in Tennessee within 60 miles of Harlan, Ky., and fresh meats and packing house products, from Corbin, Ky., to points in that part of Kentucky within 50 miles of Harlan, Ky., and in that part of Tennessee within 60 miles of Harlan. G. E. Reams, Harlan, Kentucky, for applicants.

No. MC–FC 61976. By order of March 6, 1959, the Transfer Board approved the transfer to The Derosier Storage Company, a corporation, Stratford, Conn., of Certificate No. MC 73502, issued January 14, 1953, in the name of Edmond A. Desrosiers, Elmo G. Desrosiers, and Edmond A. Desrosiers, Jr., a partnership, doing business as Desrosier Storage Company, Stratford, Conn., authorizing the transportation, over irregular routes, of household goods between Stratford, Conn., and points within 15 miles thereof, on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Massachusetts, and Rhode Island. Sidney L. Goldstein, 109 Church Street, New Haven, Conn., for applicants.

No. MC–FC 62001. By order of March 6, 1959, the Transfer Board approved the transfer to Edwin B. Redlinger, doing business as Redlinger Trucking Service, Winnger, S. Dak., of Certificate No. MC 37282, issued December 10, 1958, to Johnny F. Devish, doing business as Bonesteel Transfer, Bonesteel, S. Dak., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Herrick, S. Dak., and Sioux City, Iowa, serving the intermediate points of St. Charles and Bonesteel, S. Dak., and the off-route point of Fairfax, S. Dak.; agricultural commodities, from Bonesteel, S. Dak., and points within 25 miles thereof, to Sioux City, Iowa; feed, seed, building materials, and liquid petroleum products, from Sioux City, Iowa, to points in Nebraska and South Dakota within 25 miles of Bonesteel, S. Dak.; household goods as defined by the Commission, and emigrant movables, between Bonesteel, S. Dak., and points within 25 miles thereof, on the one hand, and, on the other, points in Iowa, Nebraska, and Minnesota; livestock, between Bonesteel, S. Dak., and points in South Dakota within 25 miles thereof, on the one hand, and, on the other, points in Iowa and Nebraska; and machinery, between Bonesteel, S. Dak., and points within 25 miles thereof, on the one hand, and, on the other, points in Iowa and Nebraska. J. W. Grieves, Winnger, S. Dak., for applicants.

No. MC–FC 62010. By order of March 3, 1959, the Transfer Board approved the transfer to W. F. Jacobsen, Jr., H. C. Jacobsen, and Donald Jacobsen, a partnership, doing business as Jacobsen Brothers, 22 Etheridge Place, Park Ridge, New Jersey, of the operating rights in Certificate No. MC 94776, issued May 26, 1941, to Wm. Jacobsen, Sr., Wm. Jacobsen, Jr., and H. W. Jacobsen, a partnership, doing business as Jacobsen Brothers, 81 Lawn Street, Park Ridge, New Jersey, authorizing the transportation of

household goods, over irregular routes, between Park Ridge, N.J., and points in New Jersey within 10 miles of Park Ridge, on the one hand, and, on the other, points in Pennsylvania, New York, and Connecticut.

No. MC–FC 62012. By order of March 4, 1959, the Transfer Board approved the transfer to Christine E. Gobel, doing business as Rondout Transportation Co., Napanoch, New York, of Permit No. MC 110796, issued November 26, 1956, to Russell G. Gobel, doing business as Rondout Transportation Co., Napanoch, New York, authorizing the transportation of: Paper and paper products from Napanoch, N.Y., to points in Maryland, Delaware, New Hampshire, New York, New Jersey, Pennsylvania, Massachusetts, Connecticut, Rhode Island, Vermont, Maine and the District of Columbia; such materials, supplies and machinery as are used in the manufacture of paper and paper products, from points in New York, New Jersey, Massachusetts, and Rhode Island to Napanoch, N.Y.; waste paper, from points in Maryland, Delaware, New Hampshire, and the District of Columbia to Napanoch, N.Y.; waste paper, and chemicals used in the manufacture of paper and paper products, from points in Connecticut and Pennsylvania to Napanoch, N.Y.; and press rolls between Napanoch, N.Y., on the one hand, and, on the other, points in Connecticut, and between Napanoch, N.Y., and Providence, R.I. John J. Brady, Jr., 75 State Street, Albany, N.Y., for applicants.

No. MC–FC 62015. By order of March 6, 1959, the Transfer Board approved the transfer to Art's Transfer, Inc., Seattle, Washington, of the operating rights in Certificate No. MC 64115, issued August 31, 1943, to A. H. Scrivens, doing business as Art's Transfer, Seattle, Washington, authorizing the transportation of general commodities, excluding commodities in bulk, household goods, and other specified commodities, between points within three miles of Seattle, Washington, including Seattle. George H. Hart, Central Building, Seattle 4, Washington, for applicants.

No. MC–FC 62018. By order of March 6, 1959, the Transfer Board approved the transfer to Davis Van & Storage, Inc., 710 Washington St., Great Bend, Kansas, of certificates Nos. MC 98062 Sub 1 and MC 98062 Sub 2, issued July 27, 1954, and April 24, 1958, to A. V. Davis, doing business as Davis Van & Storage, 710 Washington Street, Great Bend, Kansas, authorizing the transportation of: Emigrant movables and household goods, as defined by the Commission, between Great Bend, Kansas, and points within 25 miles of Great Bend, on the one hand, and, on the other, points in Colorado, Missouri and Oklahoma; petroleum, petroleum products, in containers, agricultural machinery, filling station equipment and supplies and empty malt beverage containers, from Garden City, Kansas, and points within 50 miles thereof, to points in Colorado on and east of U.S. Highway 85; and malt beverages, from points in Colorado described above, to Garden City, Kans., and points within 50 miles thereof; household goods and livestock between Garden City, Kans., and points within 50 miles thereof, on the one hand, and, on the other, points in Colorado on and east of U.S. Highway 85; household goods, as defined by the Commission, between points in that part of Kansas on and west of U.S. Highway 183, on the one hand, and, on the other, points in Colorado, Nebraska, Oklahoma, and Texas (except between Garden City, Kans., and points within 50 miles thereof, on the one hand, and, on the other, points in that part of Colorado on and east of U.S. Highway 85); and machinery, materials, supplies and equipment, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between points in Kansas.

No. MC–FC 62040. By order of March 6, 1959, the Transfer Board approved the transfer to Kerr & Fagan Trucking Company, Inc., a corporation, doing business as Kerr & Fagan Trucking Company, Inc., of 1211 Brandt Drive, Tallahassee, Fla., of certificate No. MC 116292 issued November 6, 1957 to C. N. Fagan, Jr., J. S. Pulliam, Jr., and W. H. Kerr, a partnership, doing business as Kerr & Fagan Trucking Company, Greenville, Fla., authorizing the transportation of: plywood and veneer from Baxley, Ga., to Henderson and Louisville, Ky., Mattoon and Chicago, Ill., and Jasper, New Albany, Barden, and Evansville, Ind., with no transportation on return except as otherwise authorized; processed feeds from Reading, Ohio, to Valdosta, Ga., and to points in Alachua, Baker, Bay, Bradford, Calhoun, Clay, Columbia, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Marion, Nassau, Okaloosa, Putnam, St. Johns, Santa Rosa, Suwannee, Taylor, Union, Walton, Washington, and Wakulla Counties, Fla., with no compensation on return except as otherwise authorized.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 59–2454; Filed, Mar. 23, 1959; 8:48 a.m.]

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